

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CHRISTIAN FENICO, THOMAS
YOUNG, THOMAS GACK, EDWARD
MCCAMMITT, TANYA GRANDIZIO,
ANTHONY ANZIDEO, ANTHONY
ACQUAVIVA, KRISTINE AMATO,
JOSEPH PRZEPIORKA, WILLIAM
BOWDREN, RAPHAEL MCGOUGH, and
FRANCIS T. SHERIDAN,**

Plaintiffs,

v.

**CITY OF PHILADELPHIA,
Defendant.**

CIVIL ACTION

NO. 20CV3336

**MICHAEL MELVIN, DANIEL
FARRELLY, BRION MILLIGAN, MARK
PALMA, BRIDGET BANNAN, JESUS
CRUZ, STEVEN HARTZELL, and
JOSEPH FOX,**

Plaintiffs,

v.

**CITY OF PHILADELPHIA,
Defendant.**

CIVIL ACTION

NO. 21CV3209

OPINION

Plaintiffs are police officers currently or formerly employed by the Philadelphia Police Department (the “PPD”), which is a department of the Defendant City of Philadelphia (the “City”). Over the course of several years, Plaintiffs made a variety of Facebook posts on their personal accounts about hot-button topics such as race, religion, immigration, sexual orientation, gender, and crime. After some of Plaintiffs’ Facebook posts came to light, the City

disciplined Plaintiffs, who then sued the City alleging civil rights violations.

The City now moves for summary judgment, pursuant to Federal Rule of Civil Procedure 56, on Plaintiffs' sole remaining claim for First Amendment retaliation in violation of 42 U.S.C. § 1983. Plaintiffs Christian Fenico, Thomas Young, Thomas Gack, Edward McCammitt, Tanya Grandizio, Anthony Anzideo, Anthony Acquaviva, Kristine Amato, Joseph Przepiorka, William Bowdren, Raphael McGough, and Francis T. Sheridan (collectively, the "Fenico Plaintiffs") and Plaintiffs Michael Melvin, Daniel Farrelly, Brion Milligan, Mark Palma, Bridget Bannan (as administrator of the estate of her late husband, Robert Bannan), Jesus Cruz, Steven Hartzell, and Joseph Fox (collectively, the "Melvin Plaintiffs") allege that the City violated their rights under the First Amendment by disciplining them, in some cases by terminating them, in retaliation for their protected speech.

For the reasons set forth below, the City's Motion will be granted with respect to all Plaintiffs.

I. BACKGROUND

Except where otherwise noted, the following facts are not in genuine dispute.

A. The Plain View Project and Plaintiffs' Posts

The Facebook posts at issue here were initially exposed by the Plain View Project ("Plain View"). According to its website, Plain View "is a database of public Facebook posts and comments made by current and former police officers from several jurisdictions across the United States." Established in 2017 and last updated in 2019, the database contains "images of more than 5,000 posts and comments" which, due to their subject matter or mode of expression, Plain View deemed likely to "undermine public trust and confidence in police." Plain View attributed over 3,000 posts to Philadelphia police officers. Five hundred and ninety-three are tied

to officers who are Plaintiffs in these lawsuits.¹

The Plaintiffs' posts resist uniform characterization. They speak on a multitude of topics, including race, religion, immigration, sex, gender, policing, penology, vigilantism, just deserts, and others. They take many forms, ranging from memes or news stories shared with or without substantial commentary, to text-block sound-offs on political *plats du jour*, to stray comments chiming in on others' discussions. And each Plaintiff did not contribute an equal number of posts to the lot—of the twenty Plaintiffs, the three with the smallest footprints collectively totaled less than twenty posts, while the three most prolific Plaintiffs collectively contributed almost two-hundred.²

B. The Ramifications of the Plain View Report

In February 2019, Injustice Watch—a non-profit affiliated with Plain View—wrote to the PPD regarding an article it was working on with the *New York Times* which highlighted the social media posts found on the Plain View database. Specifically, it said, it was investigating the posts of seven Philadelphia police officers. Plaintiffs Fenico, Melvin, and Palma personally received similar letters. The PPD reviewed the social media posts and interviewed, among others, those three Plaintiffs. But, at that time, it took no disciplinary action against them.

Later that year, Plain View's database caught the attention of several journalists at local

¹ This figure represents the sum total of Facebook posts either posted, shared, or commented upon by the Plaintiffs as a group. Since some Plaintiffs commented on other Plaintiffs' posts, the number of unique posts interacted with by Plaintiffs is smaller; however, due to the configuration of the Plain View database, that number is not easily ascertained.

² Although the number of posts associated with any given Plaintiff is not dispositive to the First Amendment analysis to follow, these figures—along with the other contrasts that can be drawn between posts—demonstrate that not all Plaintiffs engaged with social media in the same way, and underscore the importance of considering each Plaintiff's claim individually. *See Fenico v. City of Philadelphia*, 70 F.4th 151, 166 (3d Cir. 2023) (reversing District Court's dismissal of Fenico Plaintiffs' First Amendment retaliation claims in part because the District Court took a "one-size-fits-all approach" to analyzing the officers and their posts, instead of proceeding "officer-by-officer").

and national news outlets like *CNN*, *The Philadelphia Inquirer*, and *Buzzfeed News*. The latter published a long-form article that looked not only at the posts, but also the posting officer’s disciplinary history.

The news reports brought the PPD under close public scrutiny. Protestors picketed outside headquarters. Philadelphia City Council ordered investigatory “hearings . . . on objectionable social media posts of law enforcement officers.” At those hearings, one citizen testified that she found the posts “sickening.” Leaders from the Islamic, Hispanic, and Black communities met either with PPD leadership, the Mayor’s office, or both, to express concerns about the effect the posts could have on community policing efforts.

The posts contained in the database (and the surrounding publicity) caused the PPD some degree of internal turbulence as well. Former Acting Commissioner Christine Coulter, for example, testified how some officers were offended by the posts made by their fellow officers, and described how such division puts officers’ lives at risk and hampers recruiting efforts. To bring the force together, PPD leadership set up internal “healing forums” labeled “Courageous Conversations,” where officers of the same rank—without the participation or involvement of PPD leadership—could speak freely with one another about the fallout from the posts’ revelation.

C. PPD’s Investigation

The PPD also launched an internal investigation into the officers whose posts populated the database, including Plaintiffs. Central to this investigation was the PPD’s Directive 6.10 (the “Social Media Policy”), Section I of which expressly forbade “[e]mployees . . . from using ethnic slurs, profanity, personal insults; material that is harassing, defamatory, fraudulent, or discriminatory, or other content or communications that would not be acceptable in a City

workplace under City or agency policy or practice.” Notably, by its plain terms, Section I applied to officers’ social media use without regard to whether officers were on- or off-duty, or whether or not the post was accessible to all.

Investigators from the PPD’s Internal Affairs team interviewed each officer whose posts were stored on the Plain View database, including each Plaintiff. Each officer interviewed was shown copies of the posts attributed to them and asked to initial the posts. Each Plaintiff initialed most, if not all, of the posts shown to them by investigators.

After the interviews, investigators prepared Investigation Reports, in which they shared their determinations about whether or not an interviewed officer had violated the Social Media Policy. Any violation was subsequently advanced through one of three channels: (1) the Police Board of Inquiry, a three-person panel of PPD members of varying ranks who, after an adversarial hearing, vote to determine guilt and recommend disciplinary action to the Police Commissioner, who makes the final decisions; (2) Command Level Discipline, whereby an accused’s Commanding Officer reviews the Investigation Report and metes out an appropriate sanction; or, (3) a Commissioner’s Direct Action, a procedure for bringing egregious cases directly to the attention of the Commissioner, who takes whatever disciplinary action he or she sees fit.

To aid these investigations, the City retained Ballard Spahr LLP to conduct an independent investigation, rooted in First Amendment law, to make recommendations about whether to discipline any of the officers in question. Lawyers from the firm reviewed each social media post identified by the PPD. Then they provided a report (“the Outside Counsel Report” or “the Report”) and accompanying spreadsheet, stating with respect to each post whether, in their professional opinion, the posts were about matters of public concern, and

whether (and to what degree) the posts might cause interference with the PPD’s policing goals—matters which are relevant to the legal analysis utilized in determining whether employee speech can form the basis of a disciplinary action. The Report also sorted the posts into categories, *e.g.*, “Racial,” “Homophobic,” or “Violence.” Officers from the PPD’s leadership team also reviewed each post and made their own determination about the posts’ disruptiveness. Some members of the leadership team testified that they used the level of disruptiveness assigned by Ballard Spahr as a consideration in making their own determination, whereas other members of leadership independently made their determinations of disruptiveness.

Through these mechanisms, each of the Plaintiffs were found by investigators to have violated PPD policy, and disciplinary action was imposed on each. The District Attorney’s Office also issued letters to some Plaintiffs—called *Giglio* letters, after the Supreme Court case *Giglio v. United States*, 405 U.S. 150 (1972)—which described the nature of the Plaintiff’s conduct and alerted the Plaintiff that it “will be disclosed to the defense in all cases where you may be called to testify as a witness . . .”

In sum, the City’s review was extensive and individualized. The City’s leadership conducted an interview with every Plaintiff, hired outside counsel to provide independent recommendations about the protected status of each post, and utilized three different review-and-sanction mechanisms to ensure a tailored approach to each officer and their posts.

Through these mechanisms, each of the Plaintiffs were found by PPD investigators to have violated PPD policy, and disciplinary action was prescribed for each. Most Plaintiffs were fired or resigned from the PPD. Some—but not all—were reinstated after appealing their dismissal through the police union.

II. SUMMARY JUDGMENT STANDARD

A party is entitled to summary judgment if it shows “that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). “By its very terms, this standard provides that the mere existence of *some* alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no *genuine* issue of *material* fact.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986). “Inferences to be drawn from the underlying facts contained in the evidential sources must be viewed in the light most favorable to the party opposing the motion.” *Peters Twp. Sch. Dist. v. Hartford Acc. & Indem. Co.*, 833 F.2d 32, 34 (3d Cir. 1987).

“A genuine issue is present when a reasonable trier of fact, viewing all of the record evidence, could rationally find in favor of the non-moving party in light of his burden of proof.” *Doe v. Abington Friends Sch.*, 480 F.3d 252, 256 (3d Cir. 2007) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-26 (1986); *Anderson*, 477 U.S. at 248-52). “The non-moving party may not merely deny the allegations in the moving party’s pleadings; instead he must show where in the record there exists a genuine dispute over a material fact.” *Id.* (citation omitted). A moving party is entitled to judgment as a matter of law where the “nonmoving party has failed to make a sufficient showing on an essential element of her case with respect to which she has the burden of proof.” *Celotex*, 477 U.S. at 323.

“As to materiality, the substantive law will identify which facts are material. Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment More important . . . summary judgment will not lie if the dispute about a material fact is ‘genuine,’ that is, if the evidence is such that a

reasonable jury could return a verdict for the nonmoving party.” *Anderson*, 477 U.S. at 248.

III. FIRST AMENDMENT RETALIATION

Although “[s]peech by government employees receives less protection than speech by members of the public,” *Amalgamated Transit Union Loc. 85 v. Port Auth. of Allegheny Cnty.*, 39 F.4th 95, 103 (3d Cir. 2022), “public employees do not surrender all of their First Amendment rights merely because of their employment status,” *Munroe v. Cent. Bucks Sch. Dist.*, 805 F.3d 454, 465 (3d Cir. 2015), *as amended* (Oct. 25, 2019). Therefore, when a government employee has been fired due to their speech, the employee may have a viable First Amendment retaliation claim. *See, e.g., Rankin v. McPherson*, 483 U.S. 378, 383-84 (1987).

To establish that claim, an employee-plaintiff must prove “that (1) [their] speech is protected by the First Amendment and (2) the speech was a substantial or motivating factor in the alleged retaliatory action, which, if both are proved, shifts the burden to the employer to prove that (3) the same action would have been taken even if the speech had not occurred.” *Dougherty v. Sch. Dist.*, 772 F.3d 979, 986 (3d Cir. 2014). The Parties agree that Plaintiffs’ posts were a substantial factor in their discipline. Therefore, the controlling question is whether the posts were protected by the First Amendment.

To show that their speech is protected by the First Amendment, an employee-plaintiff must prove three things: (1) that they spoke “as a private citizen;” (2) on “a matter of public concern,” *Garcetti v. Ceballos*, 547 U.S. 410, 418 (2006); and, (3) that the employee and the public’s collective interest in the employee’s speech outweighs the government’s interest in avoiding disruption to its operations that could be or was caused by that speech. *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968); *see also Fenico*, 70 F.4th at 162-63 (labelling the third factor “*Pickering balancing*”). These three elements are all questions of law, albeit ones “that

nonetheless require[] a robust factual basis” to evaluate. *Fenico*, 70 F.4th at 162.

Because the Parties agree that Plaintiffs spoke as private citizens at all relevant times, steps two and three of this test—the public concern analysis and the *Pickering* balancing—will inform the discussion that follows.

A. Matters of Public Concern

Speech relates to a public concern when it is “fairly considered as relating to any matter of political, social or other concern to the community,” *Connick v. Myers*, 461 U.S. 138, 146 (1983), or when it is a “subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public at the time of publication,” *City of San Diego v. Roe*, 543 U.S. 77, 84 (2004). Speech that pertains to a “purely private intraoffice grievance,” on the other hand, does not relate to a matter of public concern. *Fenico*, 70 F.4th at 163. “Whether an employee’s speech addressees a matter of public concern must be determined by the content, form, and context of a given statement, as revealed by the whole record.” *Rankin*, 483 U.S. at 384-85. “[T]hat the speech was uttered by a police officer does not affect the extent to which it might touch on matters of public concern; that factor is only relevant at the balancing phase of the inquiry.” *Fenico*, 70 F.4th at 163.

Crucially, the “‘inappropriate or controversial nature’ of the speech is not relevant to whether it touches on matters of public concern—it is only a factor in evaluating its disruptiveness during *Pickering* balancing.” *Id.* at 165 (quoting *Munroe*, 805 F.3d at 470). “[E]ven the most deeply troubling speech may be of concern to the public”—for example, “speech touching on race relations” certainly “carries the potential to be inflammatory,” but it “is ‘inherently of public concern.’” *Id.* (quoting *Connick*, 461 U.S. at 148 n.8; *Locurto v. Giuliani*, 447 F.3d 159, 183 (2d Cir. 2006)).

B. *Pickering* Balancing

The final step of the protected speech analysis—the “*Pickering* balancing”—asks whether “the employee’s interest in speaking outweigh[s] the government’s interest in promoting workplace efficiency and avoiding disruption;” if so, the employee’s speech is protected. *Id.* at 166 (citing *Pickering*, 391 U.S. at 568). “While the test for disruption varies depending upon the nature of the speech, the factors a court typically considers include whether the speech ‘impairs discipline by superiors or harmony among co-workers, has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary, or impedes the performance of the speaker’s duties or interferes with the regular operation of the enterprise.’” *Dougherty*, 772 F.3d at 991 (citing *Rankin*, 483 U.S. at 388). Importantly, “an employer need not show that the speech in question caused actual disruption to its operations;” just “a reasonable likelihood of such disruption will suffice.” *Fenico*, 70 F.4th at 165; *see also Connick*, 461 U.S. at 152 (“[W]e do not see the necessity for an employer to allow events to unfold to the extent that the disruption of the office and the destruction of working relationships is manifest before taking action.”).

While courts must grant “substantial weight to government employers’ reasonable predictions of disruption,” *Waters v. Churchill*, 511 U.S. 661, 673 (1994), “unadorned speculation as to the impact of speech,” without more, will not justify a government employer’s decision to discipline its employee. *Fenico*, 70 F.4th at 166 (internal quotes omitted). Still, “the Supreme Court has deferred heavily to employers’ reasonable interpretations of employee speech and predictions of disruption—especially where, as here, the employer has performed an internal investigation into the matter.” *Id.* at 168 (citing *Waters*, 511 U.S. at 676). And the Third Circuit has recognized its sister Circuits’ view that this deference “is especially [appropriate] for police

departments, which face unique internal and external dynamics.” *Id.* (citing *Cochran v. City of Los Angeles*, 222 F.3d 1195, 1201 (9th Cir. 2000); *Locurto*, 447 F.3d at 179); *see also Kelley v. Johnson*, 425 U.S. 238, 246 (1976) (recognizing a police department’s interest in “discipline, esprit de corps, and uniformity”).

IV. DISCUSSION

The protected speech analysis discussed above must “at the very least” be performed “on an officer-by-officer basis, if not a post-by-post basis.” *Fenico*, 70 F.4th at 166, 168 n.15. This will be done; but for a few reasons—not least of which being that Plaintiffs did not launch, in their briefs, an “officer-by-officer” opposition to the City’s arguments—some further discussion about the protected speech analysis is in order before each Plaintiff’s claim is considered.

A. Plaintiffs’ Global Arguments About the Protected Speech Analysis

It bears mentioning that these cases, in a few ways, are unlike many other First Amendment retaliation suits. Much of their distinctiveness is owed to their unique facts. The canonical First Amendment retaliation suit involves a single speaker making a single objectionable utterance. *See, e.g., Pickering*, 391 U.S. at 566-67 (teacher dismissed after he wrote and published a letter critical of the school board’s financial decision-making); *Rankin*, 483 U.S. at 379-80 (clerical employee fired after she stated, upon “hearing of an attempt on the life of [President Reagan], ‘If they go for him again, I hope they get him.’”). Common variations on this theme include cases where multiple speakers share in a unified statement, *see, e.g., Gillis v. Miller*, 845 F.3d 677, 680-81 (6th Cir. 2017) (correctional officers terminated after they shared “a memorandum notifying their fellow correctional officers of their right to union representation”), and cases where one speaker makes several comments on the same topic which cause a unified uproar, *see, e.g., Munroe*, 805 F.3d at 472 (high school teacher fired after her

blog, which contained several offensive posts about her students, went public).

The instant cases, by contrast, involve twenty individual Plaintiffs, each of whom made multiple statements on a bevy of subjects and in a variety of tones. Though they were publicly shared, the posts went undiscovered for a considerable time—years, in some cases—until they were surfaced by Plain View, an advocacy group. What’s more, when the posts were published by Plain View, they were situated alongside many hundreds of other statements by non-party officers from police forces both in and out of Philadelphia—unlike in the typical First Amendment retaliation case, where the speech of the complaining party is the sole or primary utterance at issue.

Plaintiffs make much of this distinction, especially as it relates to questions of causality. They first argue that, because the City has not demonstrated that any public outrage following the database’s revelation was caused specifically by any of the Plaintiffs’ posts, but rather by the contents of the Plain View database *in toto*, such outrage should not be weighted against them in the *Pickering* balance. In other words, Plaintiffs submit that, because the neat, ‘but-for’ causation between speech and disruption that characterizes the average First Amendment retaliation case is absent here, each Plaintiff’s individual speech cannot be measured against the sum total of collective tumult that the City maintains was aroused by the posts.

Plaintiffs cite no authority to support this argument-by-distinction; that said, the argument is not without some intuitive appeal. The facts of these cases certainly do not resemble the typical First Amendment retaliation suit, where a clear causal connection between particular speech and disruption (likely or actual) is readily demonstrable. Nor do they resemble a suit where multiple tortfeasors can be said to have independently but sufficiently caused a shared harm; if they did, then there would be no issue with assigning each Plaintiff the full scope of the

actual disruption allegedly caused by the database’s revelation. *Cf. Fischer v. Governor of N.J.*, 842 F. App’x 741, 755 (3d Cir. 2021) (Phipps, J., concurring) (“If an injury has multiple sufficient causes, then any of those causes suffices to establish fairly traceable causation.”).

If Plaintiffs were right—if the disruption caused by a group of employees could not be held against any individual employee unless that employee, considered alone, was a sufficient cause of the disruption—then a government employer’s ability to root out disruptive speech would diminish as the number of disruptive speakers grows and their voices become more cacophonous, in that it would be more difficult to attribute sufficient responsibility to any given employee. This outcome is inconsistent with the Supreme Court’s emphasis on the importance of the government employer’s interest in taking corrective measures to alleviate or prevent disruption caused by employee speech. Consider the Court’s characterization of this interest in *Waters v. Churchill*:

Government agencies are charged by law with doing particular tasks. Agencies hire employees to help do those tasks as effectively and efficiently as possible. When someone who is paid a salary so that she will contribute to an agency’s effective operation begins to do or say things that detract from the agency’s effective operation, the government employer must have some power to restrain her. The reason [a] governor may . . . fire [a] deputy is not that this dismissal would somehow be narrowly tailored to a compelling government interest. It is that the governor and the governor’s staff have a job to do, and the governor justifiably feels that a quieter subordinate would allow them to do this job more effectively.

The key to First Amendment analysis of government employment decisions, then, is this: The government’s interest in achieving its goals as effectively and efficiently as possible is elevated from a relatively subordinate interest when it acts as sovereign to a significant one when it acts as employer. The government cannot restrict the speech of the public at large just in the name of efficiency. But where the government is employing someone for the very purpose of effectively achieving its goals, such restrictions may well be appropriate.

511 U.S. at 674-75. As the *Waters* Court made clear, the government’s interest in operating its workplaces “as effectively and efficiently as possible” is no minor concern. *Id.* at 675. And as

the number of disruptive employees increases, so too does the potential for future disruption, and so the necessity for the government to restore quietude. After all, the *Pickering* analysis is a balancing test. *See Pickering*, 391 U.S. at 568 (“The problem in any case is to arrive at a balance between the interests of the [employee], as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees.”).

Thankfully, the dilemma constructed by Plaintiffs—either hold the full weight of the actual disruption alleged by the City against all Plaintiffs, or hold none of it against them—is a false choice. As stated previously, it is axiomatic that an employer need not “allow events to unfold to the extent that the disruption of the office and destruction of working relationships is manifest before taking action” against disruptive employee speech—a reasonable belief that the speech could cause disruption is enough. *Connick*, 461 U.S. at 152; *see also Fenico*, 70 F.4th at 166 (“[A]n employer need not show that the speech in question caused actual disruption to its operations in order to satisfy *Pickering*—a reasonable likelihood of such disruption will suffice.”). So, in the analysis that follows, if the undisputed facts show that the City reasonably found that an individual Plaintiff’s posts were likely to cause a disruption, then actual disruption need not be considered. *See Connick*, 461 U.S. at 151-52 (“When close working relationships are essential to fulfilling public responsibilities, a wide degree of deference to the employer’s judgment is appropriate. Furthermore, we do not see the necessity for an employer to allow events to unfold to the extent that the disruption of the office and the destruction of working relationships is manifest before taking action.”). That said, whether or not *actual* disruption was in fact caused by the speech in question is a relevant concern when evaluating the reasonableness of the government’s assessment of *likely* disruption; accordingly, undisputed allegations of actual

disruption (or lack thereof) will be considered in the *Pickering* balance insofar as they can be reasonably connected to an individual Plaintiff. *See, e.g., Amalgamated Transit*, 39 F.4th at 104-05 (finding that a lack of actual disruption caused by previous speech in the workplace similar to the speech at issue undermined the government’s assessment of likely disruption); *Munroe*, 805 F.3d at 477-78 (citing public outrage over teacher’s offensive comments as evidence validating school’s “claim[] that the actual and potential disruption caused by [the teacher’s] speech outweighed her free speech rights”).

Plaintiffs’ second causal argument is essentially an instantiation of this point—that evidence of actual disruption (or lack thereof) can inform the determination of whether an employer’s prediction about likely disruption is a reasonable one. Specifically, Plaintiffs point to the undisputed fact that their “posts had existed in ‘plain view’ for several years . . . without any evidence of discovery” to argue that the posts were not likely to be discovered by the public in the first place, and were thus unlikely to cause disruption.³

In this connection, Plaintiffs cite to *Moser v. Las Vegas Metropolitan Police Department* for the proposition that “a court may discount the government employer’s fears of disruption if there is little evidence that the offending speech has been or will be discovered.” 984 F.3d 900, 910 (9th Cir. 2021). In that case, a SWAT officer was disciplined for making a Facebook post

³ Though Plaintiffs acknowledge that the posts were eventually discovered by Plain View, they argue that “there is an enormous difference between the likelihood of disruption created by the happenstance discovery of one of the Plaintiffs’ social media posts by a member of the public versus its discovery by a targeted, investigative reporting team which has as its agenda the public exposure of any social media post it subjectively finds offensive.” Plaintiffs do not spell out what they believe this “enormous difference” to be, but the implication is that Plain View’s motivations should somehow inform the *Pickering* analysis in a manner beneficial to Plaintiffs. Whatever this argument is meant to convey, Plaintiffs cite no authority in support, so it will not be considered. *See Reynolds v. Wagner*, 128 F.3d 166, 178 (3d Cir. 1997) (“[A]n argument consisting of no more than a conclusory assertion such as the one made here . . . will be deemed waived.”); *see also* E.D. Pa. Local Civ. R. 7.1(c) (“Every motion not certified as uncontested . . . shall be accompanied by a brief containing a concise statement of the legal contentions and authorities relied upon in support of the motion.”) (emphasis added).

that appeared to endorse the extrajudicial use of force against an individual suspected of shooting a police officer, and the District Court granted summary judgment in favor of the police department on the plaintiff’s First Amendment retaliation claim. *Id.* at 902. The Ninth Circuit reversed, finding that the police department had failed to provide adequate evidence to support their prediction of disruption where the offensive post was reported to the department by anonymous tipster, was not the subject of news coverage or other public exposure, and was removed from Facebook after a few months’ time. *Id.* at 910-11.

Plaintiffs accurately distill one principle underpinning *Moser*’s holding—that evidence indicating that the speech in question went undiscovered by the public at large can undermine a claim that the speech was likely to cause disruption. But *Moser* involved a single offensive Facebook comment which was never discovered by the public at large, whether through news coverage or word of mouth; instead, the post’s existence was reported directly to the police by a single anonymous tipster within months of being posted and was taken down shortly thereafter without causing any stir in the wider community. *Id.* In the instant cases—as Plaintiffs do not dispute—the offensive Facebook posts *were* eventually discovered by the public at large, as they were covered by local and national news. Therein lies the difference. *Moser* does not stand for the proposition that offensive speech is unlikely to cause a disruption if it takes a long time to be discovered—indeed, as the Ninth Circuit noted, what matters is whether or not “the community . . . discovered the speech or would inevitably discover it.” *Id.* at 909; *see also Munroe*, 805 F.3d at 477 (observing that the eventual discovery of a teacher’s offensive blog undermined her argument that it was unlikely to cause a disruption, even where the blog had only a “small readership” and offered “relative anonymity” before its discovery).

Notably, the Third Circuit’s *Fenico* opinion touches on a similar issue. *See Fenico*, 70

F.4th at 167-68 (“[The Fenico Plaintiffs] also allege that some of their posts were several years old, raising yet unrebutted causal questions as to whether a uniform likelihood of disruption could extend to all [the Fenico Plaintiffs’] posts.”). However, in raising this issue, the Third Circuit’s concern was with the District Court’s “one-size-fits-all approach” to the *Pickering* balancing, *id.* at 166, which reflexively assigned a “uniform likelihood of disruption” to all Plaintiffs and all posts, *id.* at 168, despite the fact that Plaintiffs’ posts were not monolithic (and thus their likelihood of disruption was not uniform). The Third Circuit’s holding was not that, when analyzing the disruption likely to be caused by each Plaintiff’s posts, the duration those posts sat undiscovered must be treated as a dispositive fact in Plaintiffs’ favor (just as the fact that the posts were eventually discovered does not require a ruling in the City’s favor). Rather, in raising these “yet unrebutted causal questions as to whether a uniform likelihood of disruption could extend to all [the Fenico Plaintiffs’] posts,” the Third Circuit sought to ensure that, however else the ‘disruption’ inquiry may shake out, it must be conducted with an eye toward each Plaintiff’s individual speech, accounting for whatever facts may be relevant in that consideration (whether concerning timing, causation, or any other relevant concern). *Id.* at 167-68.

This issue also percolated through *Fenico* in the context of a discussion of *Amalgamated Transit*, a case which turned on the question of whether or not a government employer’s assessment of likely disruption was reasonable. *Fenico*, 70 F.4th at 167 (discussing *Amalgamated Transit*, 39 F.4th at 101). The case involved employee discipline meted out under the Port Authority of Allegheny County’s policy, implemented during the Covid-19 pandemic, that forbade employees from wearing face masks with political messages like “Black Lives Matter” and “Trump 2020” while on duty. *Amalgamated Transit*, 39 F.4th at 101. The Port

Authority argued that these masks were likely to cause a disruption, but the Third Circuit found otherwise, citing to an evidentiary record that demonstrated “only minimal risk” of disruption. *Id.* at 105 (“The record shows a lone employee complaint, three race-related incidents among Port Authority employees within the past fifteen years, wholly unrelated to and predating the mask rules, and electronic messages among employees expressing differing opinions about the Black Lives Matter movement.”).

In *Fenico*, the Third Circuit used *Amalgamated Transit* to demonstrate “that it is not impossible for an employee to show that their controversial speech is unlikely to cause disruption.” 70 F.4th at 167. However, it also noted that *Amalgamated Transit* is “distinct in a few key ways”—ways that limit its applicability here, particularly now that a fuller evidentiary record has been built out through discovery. *Id.* Of critical importance here is that, in *Amalgamated Transit*, the evidentiary record suggested that customers witnessed the allegedly offensive masks—meaning that the speech had likely been discovered by the public and by fellow employees—yet no great uproar had occurred. *Amalgamated Transit*, 39 F.4th at 104-05. In the present cases, by contrast, the City provides evidence of how the public and certain employees reacted quite passionately to the revelation of the offensive posts—and putting aside the previously disposed concern about attributing the sum total of that disturbance to any individual Plaintiff, the Plaintiffs do not dispute that, for example, community groups loudly expressed their displeasure about the posts made by Plaintiffs and other PPD officers. This factual difference alone suggests that, for purposes of this litigation, *Amalgamated Transit* should not be leaned upon for much more than the proposition highlighted by the Third Circuit in *Fenico*—namely, “that it is not impossible” in certain cases “for an employee to show that their controversial speech is unlikely to cause disruption.” *Fenico*, 70 F.4th at 167.

Putting aside these concerns about causation and disruption, the instant cases are unlike typical First Amendment retaliation suits for another reason: The Plaintiffs' each had multiple posts and comments included in the Plain View database, but only certain of those posts and comments formed the basis of the City's disciplinary actions. This quirk is, however, easily dealt with. Because the City has identified precisely for which posts each Plaintiff was disciplined, only those identified posts will be considered in the *Pickering* analysis.

Plaintiffs also attack the propriety of the City's internal investigation. They point to statements from members of PPD leadership sharing their belief that the Plain View database (and the accompanying publicity, spearheaded by Injustice Watch) was politically one-sided—*i.e.*, only targeting and publishing Facebook posts that betrayed conservative viewpoints, not liberal ones. Then, Plaintiffs impute that perceived political slant to the City, presenting what they term “comparator” posts: posts which supposedly have a liberal slant, which were posted by self-identified PPD officers, and which could be seen to violate the Social Media Policy, but whose authors were never disciplined by the PPD. But the “comparator” posts were never published in the Plain View database, and Plaintiffs do not argue that the City knew about them. So any claim that the City discriminated based on viewpoint is not supported by the record.

In any event, Plaintiffs have pleaded First Amendment retaliation claims, not claims alleging the Social Media Policy is an *ex ante*, viewpoint-discriminatory prior restraint on speech.⁴ Although “[c]oncern over viewpoint discrimination is the very reason *Pickering*

⁴ Plaintiffs attack the PPD's internal investigation in a few other ways, none of which map onto the First Amendment retaliation analysis. First, they challenge that they had sufficient notice of the Social Media Policy, arguing that no officer was ever substantively trained on what it required and forbade. Plaintiffs' view is that sanctioning officers for violating the Policy, without them ever having received such training, is unfair.

Next, Plaintiffs argue that the actual reason the PPD sanctioning them was pretextual, and that the investigation itself was conducted in an arbitrary manner. In support of their pretext argument, the Plaintiffs cite then-Commissioner Ross's press conference in July 2019—conducted while the investigation was still ongoing—during

rejected the older rule that the First Amendment does not protect government-employee speech,” *Amalgamated Transit*, 39 F.4th at 108, the proper test for analyzing Plaintiffs’ retaliation claims is the one announced in *Pickering* itself, as described above—not one which considers “comparator” posts or similarly situated officers. And even if these “comparator” posts were likely to cause disruption, as Plaintiffs suggest, nothing in *Pickering* or its progeny requires that an employer ferret out all employee speech that is unprotected by the First Amendment and discipline its speakers. *Cf. Waters*, 511 U.S. at 675 (“The reason the [government] may . . . fire [an employee] is not that this dismissal would somehow be narrowly tailored to a compelling governmental interest. It is that the [government has] a job to do . . .”).

B. The Officer-By-Officer Analysis

As a threshold matter—after having reviewed each post for which Plaintiffs were disciplined—every post speaks about a matter of public concern. The posts touch on the topics of race and ethnicity;⁵ religion and religiously motivated terrorism;⁶ immigration, refugees, and

which he stated that thirteen officers would be fired. In support of their arbitrariness argument, Plaintiffs cite to the metrics that the PPD used in measuring the amount of interference Plaintiffs’ posts could have caused.

But arguments about notice, arbitrariness, pretext, and the fairness of the PPD’s investigation and resulting sanctions all sound in due process, a claim not before the Court.

⁵ The following posts touched on race and/or ethnicity (with citations to the City’s Statement of Undisputed Material Facts, or “SUMF”): SUMF at ¶¶ 53(a), (b), (f), (h), (k); 76(l); 101(f); 113(a), (c); 120(j), (k), (l), (m); 129(l); 163(d); 174(b), (k), (m); 183(e), (f), (l); 194(e); 203(i), (t), (x), (bb), (ff), (gg), (hh), (ii), (kk), (oo).

⁶ The following posts touched on religion and religiously motivated terrorism: SUMF at ¶¶ 53(c), (d), (e), (g), (j); 76(o); 83(b), (d); 92(a), (b), (c), (d), (e), (f), (g), (h), (j), (l), (m), (n), (p), (q), (r), (t), (u), (v), (x), (y), (z); 101(g), (k), (n); 113(d); 120(d), (e), (f), (g), (i); 129(a), (c), (m), (n); 137(a), (b), (c), (d), (e), (f); 146(c), (d); 154(a), (b), (e); 174(d), (g), (i), (n); 183(d), (e), (g), (j); 194(c), (d); 203(a), (b), (d), (e), (f), (g), (h), (l), (m), (n), (o), (p), (r), (s), (t), (u), (v), (y), (z), (aa), (dd), (ee), (ll); 220(b), (c), (d), (f), (i), (j), (k).

cultural assimilation;⁷ sex, gender, and sexuality;⁸ local and national news stories and political figures;⁹ protests and protestors;¹⁰ and policing, crime, and punishment, whether meted out by the justice system or by vigilantes.¹¹ All of these are topics which can be “fairly considered as relating to any matter of political, social or other concern to the community,” *Connick*, 461 U.S. at 146, or are otherwise of “legitimate news interest”—e.g., they are “subject[s] of general interest and of value and concern to the public at the time of publication,” *City of San Diego*, 543 U.S. at 84.¹²

Speech about race relations, “[w]hile it carries the potential to be inflammatory . . . is ‘inherently of public concern.’” *Fenico*, 70 F.4th at 165 (quoting *Connick*, 461 U.S. at 148 n.8); *see also Locurto*, 447 F.3d at 183 (“Whatever our own views of the quality and prudence of the

⁷ The following posts touched on immigration, refugees, and/or cultural assimilation: SUMF at ¶¶ 61(a); 83(c); 92(c), (f), (j), (p), (q), (v); 101(g), (k), (m), (n); 113(d), 129(k); 154(a); 174(n); 203(b), (g), (l), (m), (q), (r), (y), (ee), (bb), (ii), (ll), (nn), (oo); 220(f), (h), (j), (k).

⁸ The following posts touched on sex, gender, and sexuality: SUMF at ¶¶ 76(p), (r); 101(j); 129(s); 154(f), (j); 174(h), (i); 183(h), (i); 203(k), (o); 220(e), (j).

⁹ The following posts touched on local and national news stories and political figures: SUMF at ¶¶ 92(l), (u), (v); 101(a), (c), (d); 120(b), (h), (l), (m); 129(e), (i), (o), (p); 146(a), (c), (f); 163(b); 174(k); 183(b).

¹⁰ The following posts touched on protests and protestors: SUMF at ¶¶ 61(c), (d); 76(g), (j), (k); 83(f); 92(w); 101(e), (l); 120(h); 129(j), (r); 154(f), (g), (h), (i), (j); 163(c); 174(l); 194(f), (i); 220(m), (cc).

¹¹ The following posts touched on policing, crime, and punishment: SUMF at ¶¶ 53(i); 61(b); 68(a), (b), (c), (d), (e); 76(a), (b), (c), (d), (e), (f), (h), (i), (m), (n), (q), (s); 83(a), (e), (g); 92(i), (k), (o), (s), (w), (aa); 101(b), (c), (d), (h), (i), (o), (p); 113(b), (c); 120(a), (c), (j); 129(b), (d), (f), (g), (h), (q), (t); 146(b), (e), (g); 154(c), (d); 163(a), (c), (d); 174(a), (b), (c), (e), (f), (j), (o); 183(a), (b), (c), (i), (k); 194(a), (b), (g), (h), (i); 203(c), (d), (j), (w), (jj), (mm); 210(a); 220(a), (l), (m).

¹² It is worth noting that a few of Plaintiffs’ posts tread close to the line separating public concerns from private matters—for example, Plaintiff Przepiorka’s “Mexican Word of the Day” post about the National Football League rivalry between Green Bay and Dallas, or Plaintiff Palma’s comment about “smok[ing] a cigar” with one of his Facebook friends who suggested that Philadelphia’s Rocky Balboa statue might be defaced by racial justice activists. But even these posts do not constitute the kinds of “purely private intraoffice grievances” that courts have found to fall entirely outside the First Amendment’s ambit. *Fenico*, 70 F.4th at 163. Instead, because they invoke concepts that are of public concern, like race relations and social justice activism, they are not “private grievances in which the public might have little interest,” and they “clear th[e] first hurdle” on the path toward protection under the First Amendment. *Id.* at 163-64.

plaintiffs' chosen means of expression, commentary on race is, beyond peradventure, within the core protections of the First Amendment.”).

Religion, and the relationship between religious teachings and “the fate of our Nation,” are likewise matters of public concern. *Snyder v. Phelps*, 562 U.S. 443, 454 (2011) (finding that picket signs with the messages “God Hates the USA/Thank God for 9/11,” “America is Doomed,” “Don’t Pray for the USA,” “Thank God for IEDs,” among others, spoke on matters of public concern).

The same goes for speech about immigration. *See, e.g., Dodge v. Evergreen Sch. Dist.* #114, 56 F.4th 767, 777 (9th Cir. 2022) (finding that a teacher’s hat bearing the phrase “Make America Great Again” constituted speech on “issues such as immigration, racism, and bigotry, which are all matters of public concern”).

So too for sex, gender, and sexuality. *See, e.g., Snyder*, 562 U.S. at 454 (finding that picket signs with the messages “Fag Troops,” “Semper Fi Fags,” “God Hates Fags,” and “Fags Doom Nations” spoke on matters of public concern); *Warren v. DeSantis*, 90 F.4th 1115, 1130 (11th Cir. 2024) (finding that “[t]ransgender rights and abortion” were subjects of public concern).

As for the posts that shared local and national news stories, it is axiomatic that stories of “legitimate news interest” are matters of public concern. *City of San Diego*, 543 U.S. at 84; *see also Munroe*, 805 F.3d at 470-71 (reasoning that “the extensive media coverage” of a teacher’s blog posts about her students suggested that her speech involved a matter of public concern). The same is true of speech about political figures. *See, e.g., Rankin*, 483 U.S. at 386 (speech concerning President Reagan and “the policies of [his] administration” touched on matters of public concern).

Protests and protestors, too, are “subject[s] of general interest and of value and concern to the public.” *Lane v. Franks*, 573 U.S. 228, 241 (2014) (internal quotations omitted). As is speech involving policing, crime, and punishment. *See Bowley v. City of Uniontown Police Dep’t*, 404 F.3d 783, 787-88 (3d Cir. 2005) (“[T]he commission and investigation of violent crimes . . . are matters of ‘paramount public import.’”) (quoting *Fla. Star v. B. J. F.*, 491 U.S. 524, 536-37 (1989)); *see also Morris v. Lindau*, 196 F.3d 102, 111 (2d Cir. 1999) (finding that “speech on crime rates” and “police staffing . . . quite plainly involve matters of public concern”); *Moser*, 984 F.3d at 907 (reasoning that “a comment advocating unlawful violence by law enforcement” would involve a matter of public concern).

With that said, what follows is an “officer-by-officer” *Pickering* balancing for each Plaintiff and their posts. *Fenico*, 70 F.4th at 166, 168 n.15.

a. Anthony Acquaviva

Detective Acquaviva began working for the PPD in 2007. At his Internal Affairs interview, Acquaviva was shown a packet containing seventeen posts that were included in the Plain View database, each page of which he initialed. He contends that he initialed each page to confirm that it had been shown to him during the interview, and not to acknowledge that he had made the posts; he does not, however, explicitly deny making any of the posts attributed to him.¹³

¹³ All Plaintiffs make similar contentions. The City asserts that this review-and-initial mechanism served the purpose of authenticating that each post was the officer’s own, but Plaintiffs contend that the initials indicated only that the officer acknowledged having been shown the posts. Whether or not the Plaintiffs knew the purpose of the initializing mechanism is immaterial, because the Plaintiffs do not uniformly *deny* having made the posts in question—they merely dispute the significance of their initials. Furthermore, at oral argument, counsel for the Melvin Plaintiffs conceded that, by initialing, the Melvin Plaintiffs confirmed that they made each post.

Acquaviva also stresses that he does not remember making these posts, suggesting that this fact should somehow affect the analysis. But Acquaviva’s memory is not at issue—what matters is whether he made the posts, and he never asserts that he did not. In any event, “[w]hen opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version

The PPD sanctioned Acquaviva for eleven of his posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Two posts are memes about the Confederate battle flag:



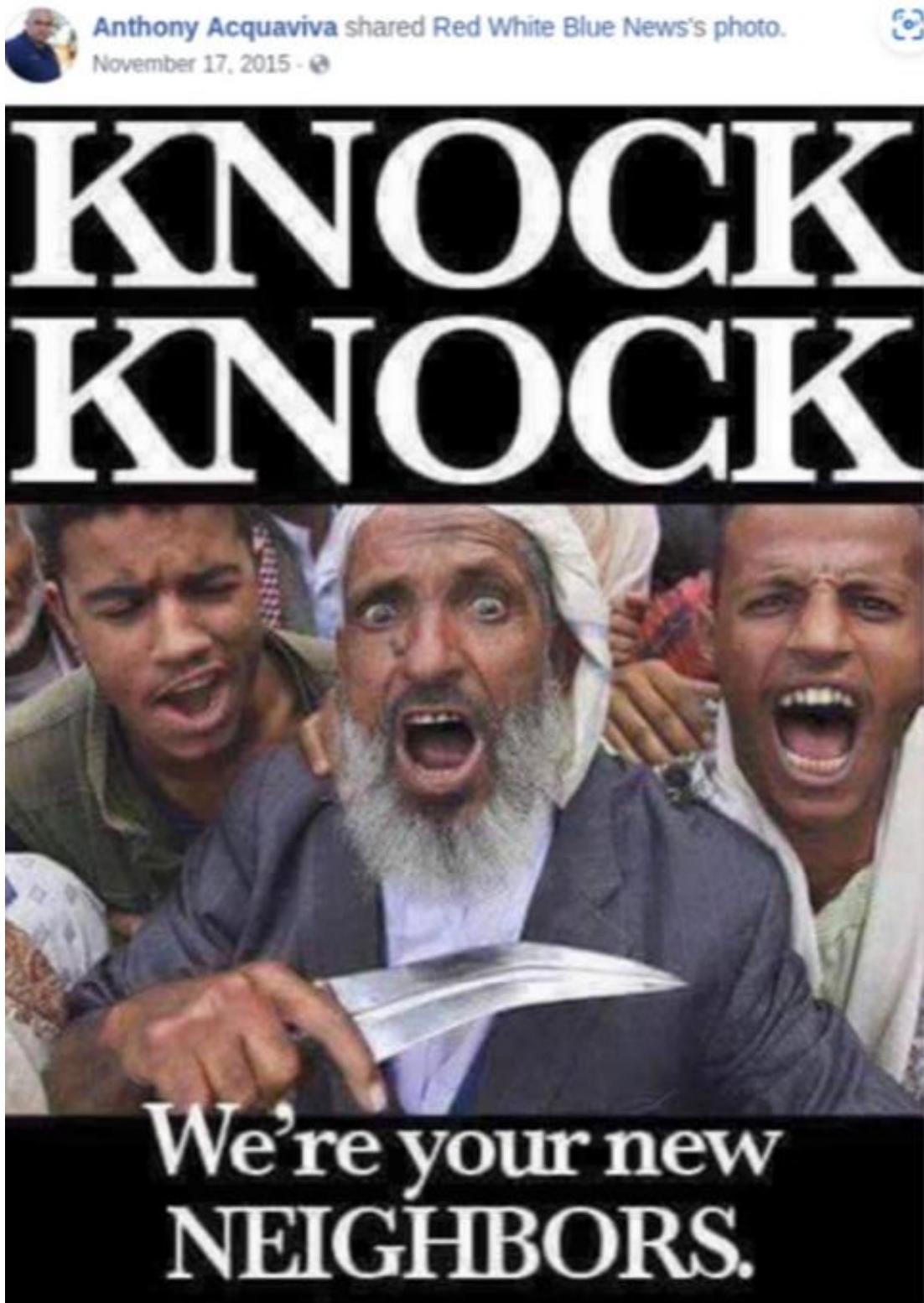
of the facts for purposes of ruling on a motion for summary judgment.” *Scott v. Harris*, 550 U.S. 372, 380 (2007). Acquaviva’s name and likeness appears atop every Facebook post that his sanction was grounded upon; it is not reasonably believable, without some evidence otherwise, that the posts were not his.



One post depicts a Black man with his pants below his waist, and what appears to be a diaper visible, with the caption “Thuggies™”:



Five posts speak about Muslim or Arab people and their place in American society:





Anthony Acquaviva shared A Revolutionary Act's photo.

November 19, 2015 · ②

...

This has no place



A Revolutionary Act

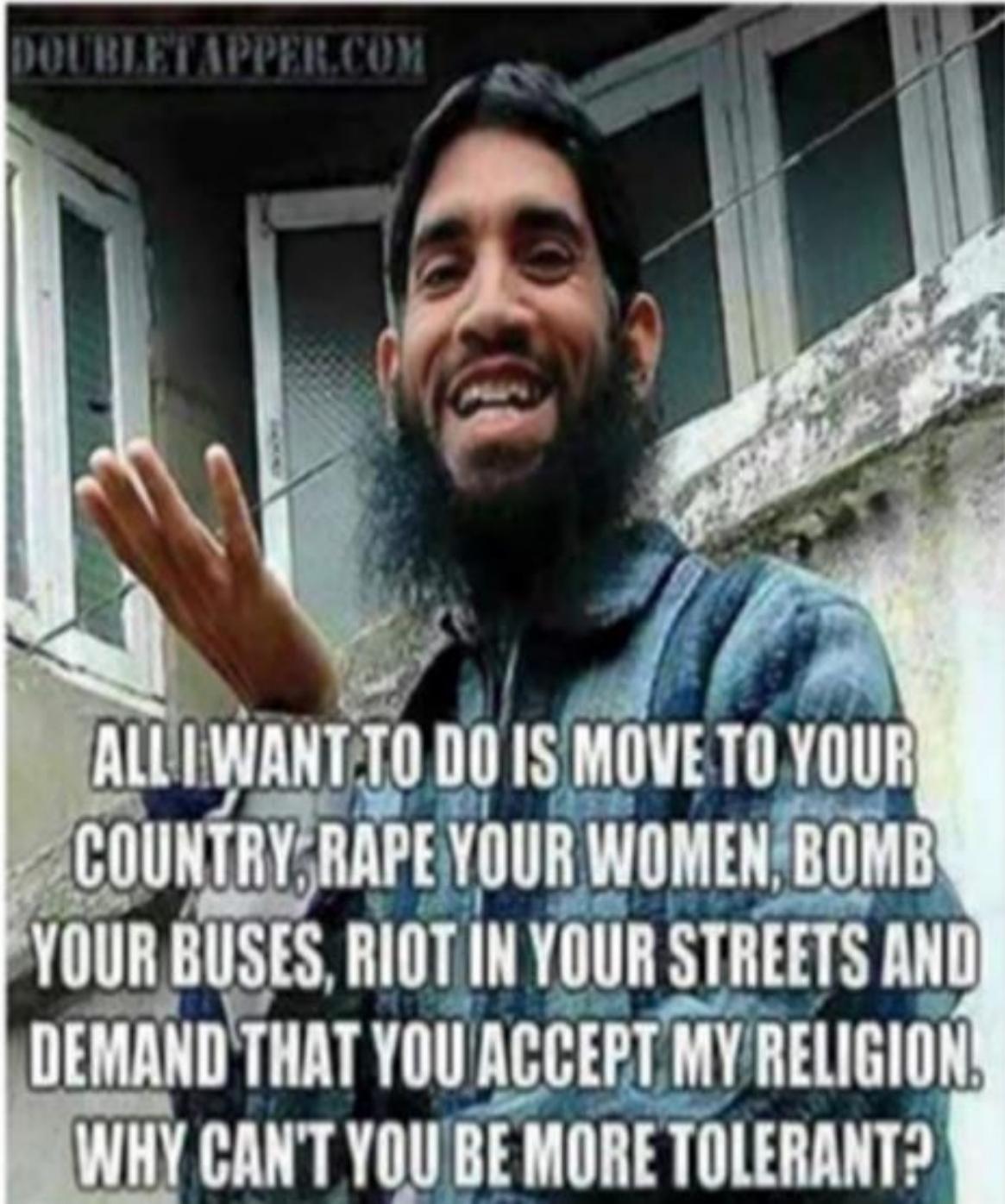
on American soil



Anthony Acquaviva shared Joseph Przepiorka's post.

November 17, 2015 ·

...





[Anthony Acquaviva](#) shared Politically Incorrect And Proud Of It

Too.'s photo.

November 19, 2015 ·

I saw her standing there and I told her she had three beautiful children. She didn't have to get all pissed off and threaten me. It was an honest mistake.



 Anthony Acquaviva shared [REDACTED]'s photo. ...
December 29, 2015 · [REDACTED]



It's said only 5-10% of muslims are extremists

In 1940 only 7% of Germans were Nazis, how'd that go?

whisper

[REDACTED] ► Christopher Hitchens Appreciation Society
December 27, 2015 · Plano, TX · [REDACTED]

 Share

Two posts share Acquaviva's thoughts on respect for the armed forces and law enforcement:

 Anthony Acquaviva shared Respecting our Military past and present's photo. January 20, 2016 · [Share](#) [Comment](#) [Like](#) [Report](#) [...
...](#)

**SHARE IF YOU THINK IT SHOULD
BE LEGAL**



**TO THROAT PUNCH A CIVILIAN
THAT SPITS ON A MAN IN UNIFORM**

memmatic.net

Respecting our Military past and present
January 20, 2016 · [Share](#) [Comment](#) [Like](#) [Report](#)

Never Disrespect Our Military
~Patton

[Like Page](#)

[Share](#)

 5

 Ray McGough It's legal depending on who's writing the complaint or UNFOUNDED.
2y

Anthony Acquaviva shared Patriot Guy's photo. ...
February 1, 2016 · 

This is Kyle Tyrrell, an Australian Veteran of Iraq.



STAND UP FOR AUSTRALIA

In January this year Kyle beat the living shit out of 8 Muslims single handedly- after the Muslims attacked his wife calling her a "wife slut" and a "white whore". Like and share if Kyle should not be charged for defending his family.

Patriot Guy
January 28, 2016 · 

Absolutely not !!
****UPDATED****
Some are Doubtful of this story so here is the link to the story
<http://www.heraldsun.com.au/.../5dc4297357afc9280d7a6292487c2...>

 Share

 5

And one image makes implications about President Obama's race or religion:



After the Internal Affairs interview, the District Attorney’s Office issued a *Giglio* letter to Acquaviva which characterized his posts as “exhibiting anti-Muslim bias.” The Outside Counsel Report found that his posts “likely would have a significant impact on policing because of the repeated use of racial stereotyping against African Americans, encouraging racial profiling, repeated anti-Muslim comments, and encouraging violence against people in these groups.” The Commissioner issued a Direct Action charging Acquaviva with Conduct Unbecoming and Neglect of Duty. Acquaviva resigned before he could be suspended or terminated.

As stated, all of Acquaviva’s posts touch on matters of public concern. The question is whether “the interests of both [Acquaviva] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy v. Stroup*, 413 F.3d 359, 364 (3d Cir. 2005)).

Here, the City’s interest in preventing the disruption actually or likely caused by Acquaviva’s posts is substantial, and it outweighs his and the public’s interest in the posts. Acquaviva’s posts invoke racial stereotypes about black men being “thugs;” suggest that Muslim women “ha[ve] no place on American soil;” and advocate for violence against those who assault police officers and military members, among other things. These comments, when made by a police officer like Acquaviva, are likely to jeopardize the “relationship of trust between the police . . . and the communities they serve” because they suggest that members of those communities will not receive fair treatment or adequate protection from police officers who speak in this manner. *Locurto*, 447 F.3d at 183. The PPD is sworn to protect and serve a diverse community that includes African Americans, Muslims, and other Philadelphians, whether or not they are critical of the police and military; accordingly, Acquaviva’s speech, which suggests a

bias against members of those groups, has a high potential for disrupting effective policing. *See Munroe*, 805 F.3d at 474 (“[I]nvective directed against the very persons that the governmental agency is meant to serve could be expected to have serious consequences for the performance of the speaker’s duties and the agency’s regular operations.”).

Indeed, the events that followed the Plain View database’s revelation confirm the sensibility of this prediction—leaders from the Black and Muslim communities met with PPD leadership and the Mayor’s office to express their concerns about the Plain View posts which included those made by Acquaviva. Furthermore, Acquaviva’s speech could also reasonably be predicted to vitiate his credibility at trial if he were to testify against a member of the aforementioned groups; the District Attorney’s Office recognized as much when it issued him a *Giglio* letter. To be clear, what is relevant here is not so much the issuance of the *Giglio* letter itself, but rather the PPD’s and the District Attorney’s Office’s knowledge that a defense attorney would be likely to try to use the content of Acquaviva’s posts to impeach him at any trial at which he is called to testify (now that those posts have been made accessible through the Plain View database) and the concomitant concern that prosecutors may, accordingly, choose not to put him on the stand.

The City has demonstrated that Acquaviva’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs Acquaviva’s and the public’s interest in his Facebook posts, his posts are not protected as a matter of First Amendment law. Accordingly, for the reasons set forth above, the City is entitled to summary judgment on his First Amendment retaliation claim.

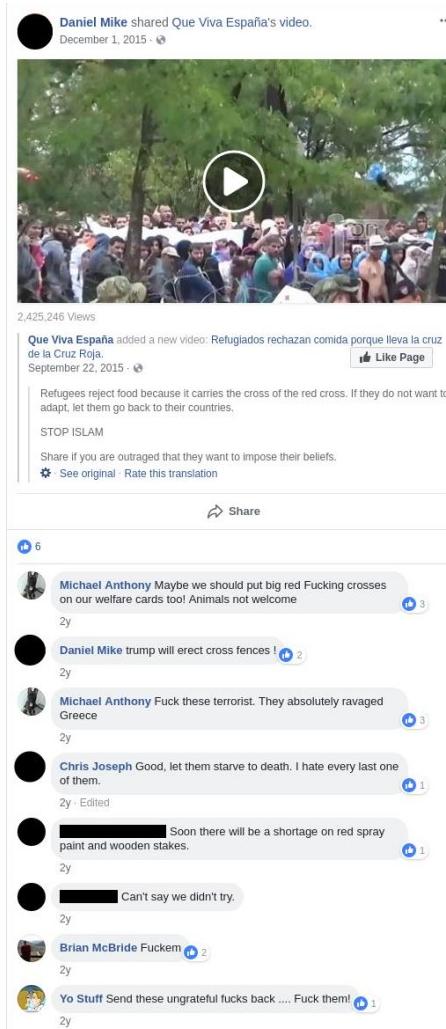
b. Kristine Amato

Officer Amato began working for the PPD in 1990. At her Internal Affairs interview, investigators showed her a packet containing nineteen posts and comments contained in the Plain

View database under the name “Yo Stuff,”¹⁴ each page of which she initialed.

Amato was sanctioned for four of her posts. As determined in Section IV.B *supra*, each of her posts dealt with a matter of public concern.

Two posts were comments about immigration and refugees that Amato left on other people’s posts:



¹⁴ Amato posted on Facebook under a *nom de plume*, other Plaintiffs used their middle names in lieu of their surnames when posting, and no Plaintiff affirmatively identified themselves as a PPD officer on their Facebook page. Plaintiffs argue that these facts suggest that the likelihood their posts would be discovered, and that disruption would ensue, is small. But they ignore the fact that Plain View was able to deduce each Plaintiff’s identity (and their employment as a PPD officer) based on their publicly available Facebook data. Here, as in *Munroe*, “[t]he discovery” of Plaintiffs’ posts “undermines Plaintiff[s’] early assumptions that [their] . . . relative anonymity would protect [their posts] from reaching” the public’s attention. *Munroe*, 805 F.3d at 476-77.

Milord Jr Celce
Yesterday at 3:41 PM · 
I know that forehead from a mile away. [REDACTED] bring that ass here
boyyyyy!!!! 😂😂😂😂



PHILADELPHIA.CBSLOCAL.COM
Protests Turn Violent As Demonstrators Arrested In Front Of Philadelphia ICE Building

33 17 Comments

Like Comment Share

[REDACTED]
 2
Like · Reply · 1d

[REDACTED] Aye yo, leave my hairline outta this 😂 6
Like · Reply · 1d

[REDACTED] the disrespect 😢 1
Like · Reply · 1d

[REDACTED] Why are they protesting?
Like · Reply · 1d

[REDACTED] Immigration
Like · Reply · 1d

[REDACTED] did immigration lock up some immigrants with legal status?
Like · Reply · 1d 2

[REDACTED] that's what I'm also asking
Like · Reply · 1d 1

[REDACTED] smh 1
Like · Reply · 1d

[REDACTED] Total bs ... what happened to the land of free
Like · Reply · 23h · Edited 1

[REDACTED] you do know they been deporting illegal immigrants since Clinton and Obama and before that right?
Like · Reply · 23h 3

[REDACTED] those people who got arrested today were not illegal immigrants 2nd this is a stolen land, everyone is immigrants but the natives American
Like · Reply · 23h 1

[REDACTED] They must have smelled terrible 3
Like · Reply · 1d

[REDACTED] Ctfu 1
Like · Reply · 1d

[REDACTED] Yo Stuff All candidates for Temple Turbans 😳😳😳😳😳 3
Like · Reply · 1d

One post was a comment regarding the use of force and its role in handling suspects:

 **John J. Doran**
March 24, 2017 · 

Good Job Tulsa PD



BLUELIVESMATTER.BLUE
VIDEO: Tulsa Officer Uses Car To Run Down Armed Suspect
Tulsa, OK - Tulsa Police Department has released dashcam video (below) of...

 Like  Comment  Share

 10

 **Yo Stuff** Awesome.. hopefully the wheels went over her scumbag ass
Like · Reply · 1y

And the last was a post about protestors who apparently had gathered outside the home of a PPD officer:



After the interview, the District Attorney’s Office issued a *Giglio* letter to Amato. The Outside Counsel Report found that Amato’s posts “likely would have some impact on policing because they advocate police violence, express anti-Muslim violence and racial bias.” The Commissioner issued a Direct Action charging Amato with Conduct Unbecoming and Neglect of Duty and imposed a thirty-day suspension.

As stated, all of Amato’s posts touch on matters of public concern. The question is whether “the interests of both [Amato] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest in preventing the disruption that Amato’s posts were likely to cause outweighs her and the public’s interest in the posts.¹⁵ With regards to her comment about

¹⁵ Amato, like most of the Plaintiffs, provides context for the posts in question (e.g., that the “Temple Turbans” comment was left on a video depicting a violent protest) and shares that she “never intend[ed] to be mean-spirited” in making the posts. This context is offered in support of a triptych of arguments.

Plaintiffs first argue that the City and Ballard Spahr should have—but did not—evaluate the “content, form, and context” of their posts. *Rankin*, 483 U.S. at 385. Regardless, the inquiry as to whether the posts are protected speech is for the Court—so, while what the City and Ballard Spahr did or did not do is in the mix, it is not dispositive one way or the other here. *Fenico*, 70 F.4th at 162 (“The inquiry into the protected status of speech is a question of law . . .”).

Next, Plaintiffs argue that there are factual disputes about the meaning of some posts that preclude summary judgment. For a dispute about a post’s meaning to preclude summary judgment, the Plaintiff’s proffered meaning must “affect the outcome of the suit”—i.e., it must tip the *Pickering* balance in the Plaintiff’s favor. *Anderson*, 477 U.S. at 248. Wherever Plaintiffs have suggested a colorable reading of a post’s meaning that differs from the City’s, the Court has used the Plaintiff’s. However, in no case has doing so “affect[ed] the outcome of the suit”—as described throughout, even Plaintiffs’ proffered readings of their posts have a potential for disruption that outweighs their and the public’s interest in the posts. *Id.*

Finally, Plaintiffs rely on *Munroe* to emphasize that satirical, humorous, and even purposefully offensive posts can still be protected. 805 F.3d at 470. True enough. But by the same token, “the inappropriate tone of the speech . . . could play a critical role in ascertaining the existence and likelihood of disruption.” *Id.* at 474. Indeed, in *Munroe*, the Third Circuit noted that “Plaintiff’s [purposefully offensive] speech, in both effect and tone, was sufficiently disruptive as to diminish any legitimate interest in its expression.” *Id.* at 473 (internal quotations omitted). As explained throughout, the same holds true in these cases.

Muslim immigrants allegedly refusing food, Amato commented “Send these ungrateful fucks back . . . Fuck them!” This comment directs “invective” toward Muslim immigrants, who are some of “the very persons that the governmental agency is meant to serve,” *Munroe*, 805 F.3d at 474; it is therefore likely to erode trust between the PPD and the Muslim community in Philadelphia, and to render Amato an unreliable witness in any trial involving a defendant who is a Muslim or a refugee. This kind of disruption was not just likely—it occurred; as Deputy Commissioner Wimberley testified, the Muslim community expressed its discomfort both to PPD leadership and the Mayor regarding the Islamophobic posts revealed by Plain View.

Two other comments, one referring to “Temple Turbans” (a phrase that Amato explained in her deposition refers to head bandages given to protestors at Temple University Hospital) and the other commanding an officer for running over a suspect, are just as likely to cause significant disruption because they advocate for extrajudicial violence against protestors and criminal suspects—groups that police officers are sworn to protect, not to attack.¹⁶ See, e.g., *Grutzmacher v. Howard Cnty.*, 851 F.3d 332, 347 (4th Cir. 2017) (speech that “advocat[ed] violence to certain classes of people” was likely to disrupt a fire department’s operations because it had the “potential . . . to diminish the [d]epartment’s standing with the public”).

The City has demonstrated that Amato’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs Amato’s and the public’s interest in the posts, her posts are not protected. Accordingly, for the reasons set forth above, the City’s Motion for Summary Judgment will be

¹⁶ Amato, like several other Plaintiffs, was reinstated after her termination and has since received no complaints from citizens accusing her of any kind of maltreatment. According to Plaintiffs, this fact undermines the City’s predictions about disruption, because it demonstrates that Plaintiffs’ posts are not mirrors of their behavior as police officers. But as the Third Circuit has recognized, the fact that Plaintiffs have been reinstated without incident does not “somehow estop[] or bar[]” the City “from claiming that the actual and potential disruption caused by [Plaintiffs’ posts] outweighed [their] free speech rights” at the time Plaintiffs were disciplined. *Munroe*, 805 F.3d at 478.

granted as to Amato's First Amendment retaliation claim.

c. Anthony Anzideo

Detective Anzideo began working for the PPD in 2007. During his Internal Affairs interview, he was shown sixty-three posts and comments contained in the Plain View database. He initialed sixty-one of these sixty-three posts. He declined to initial the remaining two posts because the name on the screenshots of the posts were redacted. Later, in his deposition, Anzideo testified that he never would have initialed the posts had he known that the posts had not been "authenticated," and that he had heard rumors that the posts might have been "edited," but he does not offer evidence to dispute the authenticity of the posts.

In any event, out of the sixty-one posts that Anzideo initialed, the PPD sanctioned him for five. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

All five of the posts consisted of commentary on recent criminal activity:

Anthony Anzideo
April 8, 2015 · Philadelphia, PA

Boston marathon bomber's guilt verdict being read..So far from what I last saw, the first 16 counts are all guilt..All carry the death penalty..Just send him to see his coward brother already!

Share

22

Throw him in general population and hopefully he gets killed by an inmate so he doesn't become a martyr and be killed by the Government. Would be the ultimate insult if a Jewish inmate killed him..

2

Anthony Anzideo Good point

2y



Anthony Anzideo

June 18, 2015 ·

...

This is horrible..Hope they track this POS down and take him out



USATODAY.COM

9 dead in shooting at black church in Charleston, S.C.

Police say the shooting took place at about 9 p.m. local time, according to re...

Share

12

2 Shares

Anthony Anzideo shared a link.
November 24, 2013 ·



NBCPHILADELPHIA.COM
Cyclist Beaten in "Knockout Game" Attack
A cyclist is recovering after being beaten in what detectives believe is a...

2 8 Comments

Share

How was this NOT part of the game..
Because he was on a bike? Because they KEPT beating him
when he was down? I'm so disgusted.

4y 1

Great....it's officially come to philly huh. Smh.

4y

They are going to meet their match one day
and I hope that makes the news

4y 1

It's been going on for years

4y

Lonee you're right but unfortunately when that
happens, these kids and their parents will cry that they're the
victim

4y 2

Bon you're right, flash mobs were around a
few years ago

4y

Ernest Green Hope one of these kids get shot in the face

4y

Anthony Anzideo Haha big E!

4y

 **Anthony Anzideo** shared Luimarcos Daily's video. •••

February 17, 2014 ·

No respect for anyone...this is why this country is going down the toilet..this is not the only place where people act like this...wait, I'm sorry, not people but animals...People don't act like that


LiveLeak

KRON 4 .com
8:34

MORE LOCAL NEWS BUSINESS YELLEN REBUFFS FED CRITICS AND PLEASES INVESTORS HOUSE
NORTH BAY FAIRFIELD 64/42 NAPA 62/40 SAN RAFAEL 63/45

Luimarcos Daily added a new video: Wild Wild West In Oakland Nightly ! from February 13, 2014 to their timeline.

February 13, 2014 · Like Page

Oakland Nightly !

 Share

 2

[View 2 more comments](#)

 [REDACTED] disgraceful.
4y

 [REDACTED] Disgusting. I have no words...
4y

 [REDACTED] Cops in gray ferry don't play that shit lol
4y

Anthony Anzideo
December 16, 2014 · Philadelphia, PA · [View Profile](#) [Report](#) [...
POS...take him out](#)

LIVE CHOPPER 6 HD
BREAKING NEWS

6ABC.COM
Woman shot and killed in Lower Salford; 2nd victim shot in Lansdale
Police are investigating 2 shootings they say may be related in Montgomery ...

Share

5

Since he's a white guy, if the cops don't shoot him, will there be a march?

3y

The Outside Counsel Report described Anzideo’s posts as having “some, although somewhat lesser, impact on policing because they advocate violence against those who have been accused of crimes.” Anzideo was sanctioned for Neglect of Duty, and after an internal review process, served a one-day suspension.

As stated, all of Anzideo’s posts touch on matters of public concern. The question is whether “the interests of both [Anzideo] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace

efficiency and avoiding workplace disruption.”” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the disruption that Anzideo’s posts are likely to cause outweighs his and the public’s interest in the posts.¹⁷ He uses phrases like “animal” and “POS” (understood here to mean “piece of shit”) to refer to criminal suspects and defendants, groups of people whose safety is entrusted to police as part of the core duty of their calling. This kind of “invective,” when “directed” by a police officer “against the very persons that the [police are] meant to serve[,] could be expected to have serious consequences for the performance of the speaker’s duties and the agency’s regular operations.” *Munroe*, 805 F.3d at 474; *see also Grutzmacher*, 851 F.3d at 347 (speech that “advocat[ed] violence to certain classes of people” was likely to disrupt a fire department’s operations because it had the “potential . . . to diminish the [d]epartment’s standing with the public”).

And because Anzideo’s posts expressed such disdain for people whose safety he is entrusted with as a police officer, it is highly likely that those posts could be used to impeach his credibility if his testimony was offered at a criminal trial. Indeed, Anzideo recognized as much in his deposition testimony and answers to the City’s interrogatories; he gave an example of a “federal jury trial for a shooting incident that occurred in Philadelphia, PA, in which he was the assigned investigator,” and described how federal prosecutors decided not to call him to the stand so “that the news article and website published by Injustice Watch on the Plain View Project could not come into question”

¹⁷ Two of the posts’ meanings are in dispute: the posts that use the phrase “take him out.” The City argues that the posts “suggest” that Anzideo “condoned the use of lethal force by police for vengeance.” Anzideo asserts that he meant to express only his hope that the police apprehend the suspects. But resolving that question in Anzideo’s favor does not change the outcome of the *Pickering* balancing, for the reasons set forth above. *Anderson*, 477 U.S. at 248.

The City has demonstrated that Anzideo's posts were likely—and in fact did—cause significant interference with the PPD's operations. Because the City's interest in preventing this disruption outweighs Anzideo's and the public's interest in his posts, his posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on Anzideo's retaliation claim.

d. Robert Bannan

Officer Bannan began working for the PPD in 1990. During his Internal Affairs interview, Bannan was shown sixty-two social media posts and comments from the Plain View database. He initialed each and admitted that he operated a Facebook account under the name "Bob Bannan," the same name used to share each social media post.

Out of the sixty-two posts shown to him, Bannan was sanctioned for twenty-one. However, the Parties have presented only nineteen posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Eight posts propose violence against individuals who were suspected of engaging in criminal activity:





Bob Bannan shared a photo.

April 11, 2015 ·

...

I won't use the word mother, but this monster should be shot.



6abc Action News

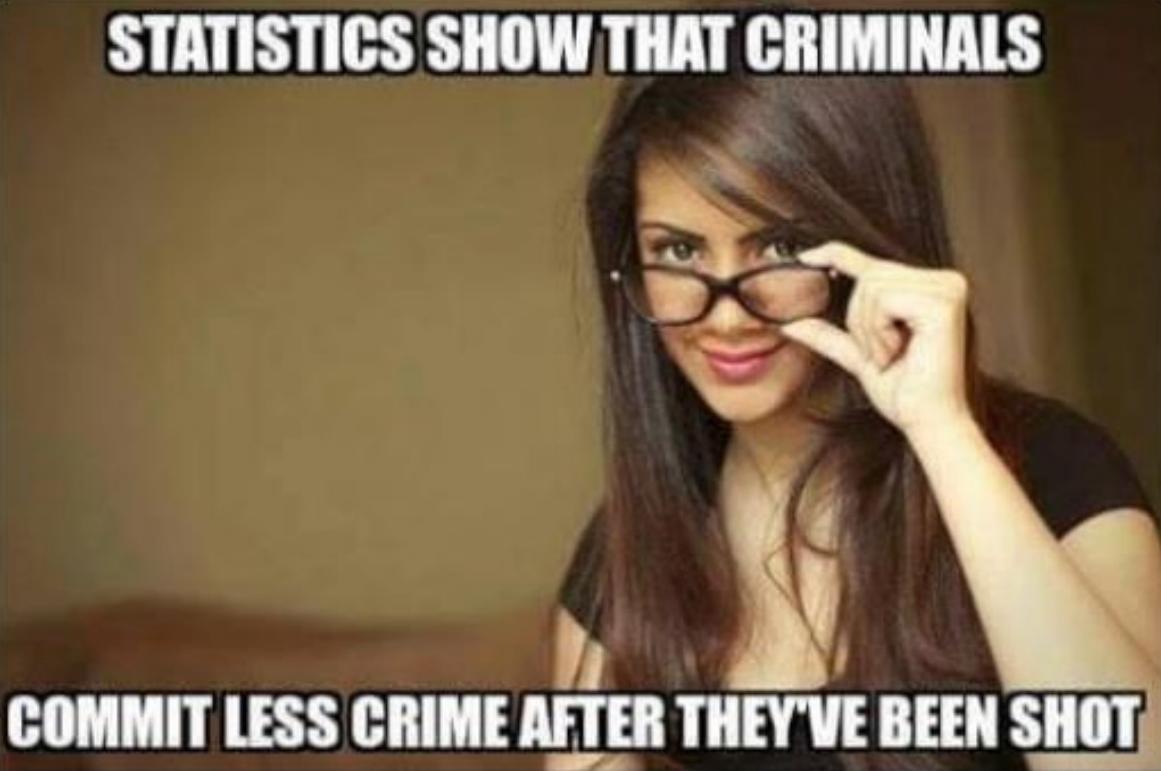
April 11, 2015 ·

Like Page

UPDATE: A young quadriplegic man, who also has cerebral palsy, was found alive in the woods of Cobbs Creek - with only a blanket and a Bible. Police say the victim's mother laid him on the ground and abandoned him to go visit her boyfriend in Maryland.

Police say the victim had been there for days: <http://6abc.cm/1yfSCES>

Bob Bannan shared a photo.
October 11, 2015 ·

STATISTICS SHOW THAT CRIMINALS

COMMIT LESS CRIME AFTER THEY'VE BEEN SHOT

Right Wing News
August 21, 2015 ·

Like Page
20 1 Comment



Bob Bannan

November 6, 2014 ·

...

I hereby volunteer to beat these worthless animals, just as they beat this child to death, upon their conviction of murder.



i

6ABC.COM

3-year-old hung up by feet, beaten, killed in Chester County

Police say a man and his girlfriend are charged with murdering the girlfriend'...

29

20 Comments 8 Shares

 **Bob Bannan** • • •

August 28, 2013 · 

True Justice.



ABCNEWS.GO.COM 

No Charges for Dad Who Killed Daughter's Molester

A Texas rancher who beat his daughter's accused molester to death moment...

 16 5 Comments



Bob Bannan

May 18, 2014 ·

...

What an A-Hole. Someone should rob his restaurant and then the police shouldn't respond.



KATU.COM

Co-owner of restaurant tells 911 not to send police

A business co-owner called 911 about a potentially deadly situation at a restaurant, and told the dispatcher not to send police. It happened at the...

3

5 Comments 1 Share



Bob Bannan shared a photo.

October 30, 2014 ·

•••

Fantastic job in capturing him. It's a shame he is still alive.



NBC10 Philadelphia

October 30, 2014 ·

Like Page

BREAKING: CAUGHT! Accused trooper shooter in police custody

STORY HERE: <http://on.nbc10.com/1HqEfI9>

25

3 Comments

 **Bob Bannan** •

October 8, 2013 · Philadelphia, PA · 

First we had a POS who raped a 96 year old woman. Now we have this FPOS who attacks and severely beats a blind man. What is even worse are the people standing by, watching it and don't do a thing. These people should not get a trial, they should be shot on sight.



ABCLOCAL.GO.COM i

On Video: Blind man beaten in Germantown, suspect sought
Philadelphia police are looking for the suspect who beat a blind man in an...

 10 9 Comments

 Share

 [REDACTED] Officer! Really! You mustn't say something like that!
You're supposed to ask civilians like me to say things like, "FIRST
THEY SHOULD BE RAPED BY A GORILLA, THEN WHATS LEFT OF
THEM SHOULD BE SHOT JUST TO WASTE A BULLET!
PEDOPHILES SHOULD FIRST BE PLACED IN A TANNING BOOTH
FOR FOUR HOURS ON HIGH. THEN GORILLA FUCKED. THEN THE
WASTED BULLET THING...phew! Did I cover everything? I need to sit
down... •

4y  1

 **Bob Bannan** I like your way of thinking.  1
4y

Three posts involve the “hands up, don’t shoot” mantra that groups like Black Lives Matter adopted after the police shooting of Michael Brown in Ferguson, Missouri:

 **Bob Bannan** shared a link. •••

December 21, 2014 · 



RIGHTWINGNEWS.COM

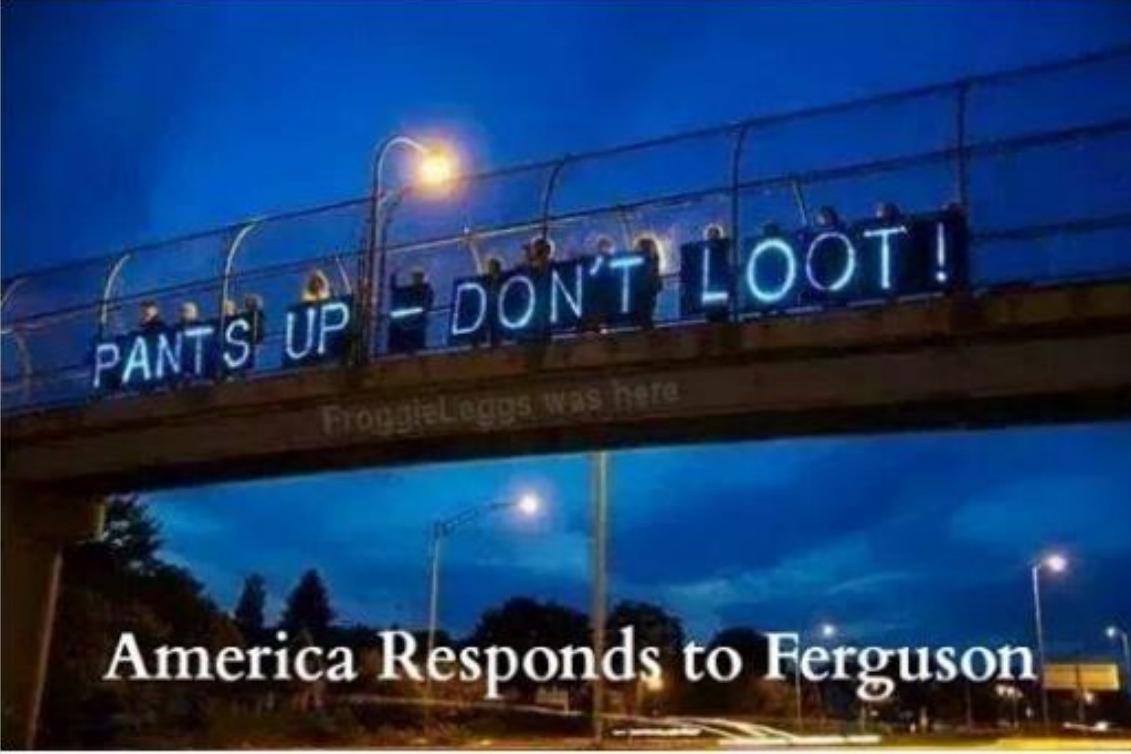
'Hands Up, Don't Shoot' Protester Tries to Block Traffic, and Gets What He Deserves [Read]

 6 1 Comment 6 Shares

 Share

 **Bob Bannan** shared a photo.

October 28, 2014 · 



Eric Odom
October 28, 2014 · 

 Like Page

 10 1 Comment

 Share



Two posts are about women and girls:



Bob Bannan shared a photo.
December 16, 2015 ·

The Tasteless Gentlemen is with [REDACTED] and 13 others.
December 16, 2015 ·

A perfect world
Best of Dec: goo.gl/xNYiGY

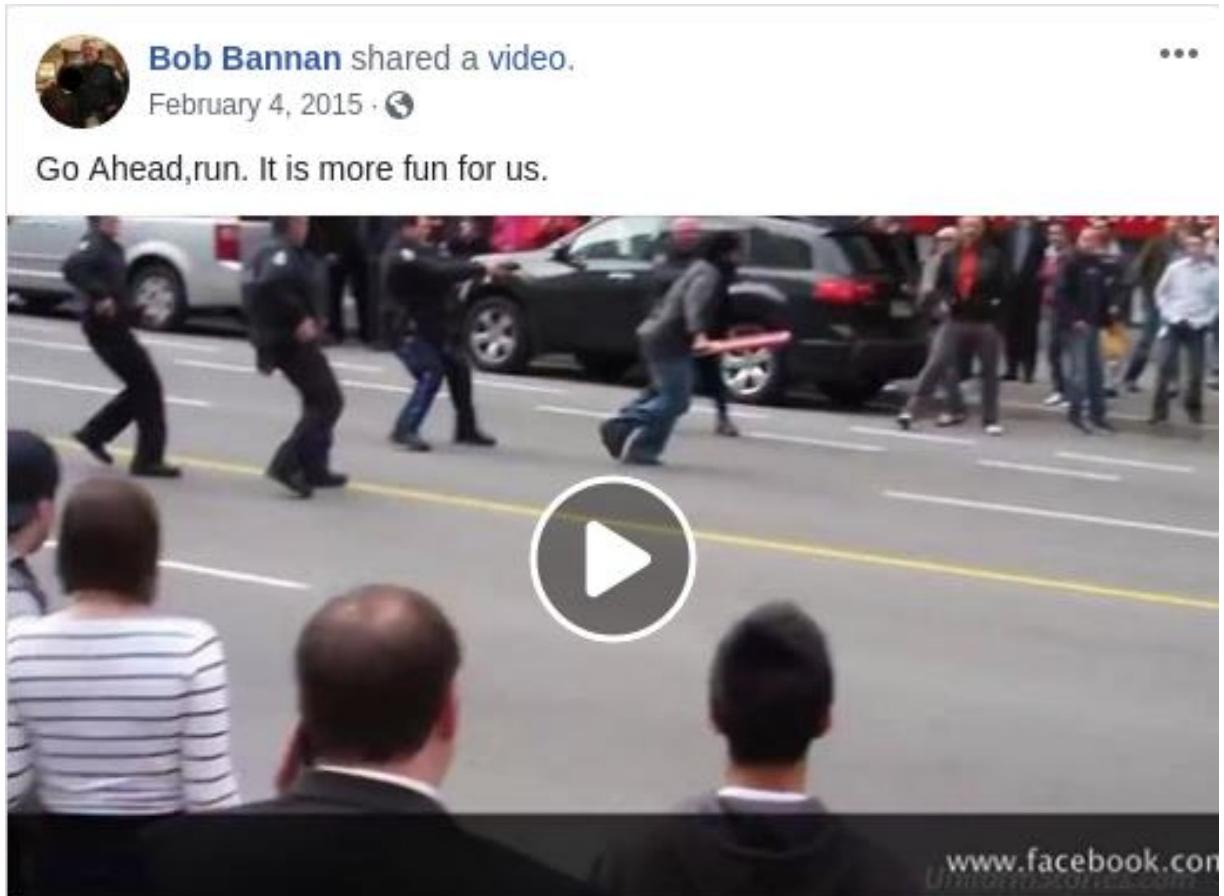
9

Share

One comment on the weather, invoking a stereotype of a Mexican accent in doing so:



Three poke fun at criminal suspects or defendants:



4,391,730 Views

Marcos Do Val

January 16, 2015

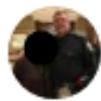
Like Page

A collection of images of successful police actions. "go ahead, run It's more fun for us."

See original · Rate this translation

12

3 Comments



Bob Bannan

February 4, 2014 ·

...

Scream like the little girl you are. They may think they are tough but are cowards in the end.



HUNTO.COM

Hard gangsta cries like a little girl during sentencing

Hard Gangster Cries During Sentencing. After you hear what he did during th...

12

5 Comments 3 Shares



Bob Bannan shared a video.

November 29, 2013 ·

...

I posted this before and here it goes again. Where is the little girl?



It's not illegal, it's frowned upon

November 29, 2013 ·

Like Page

LOL JERKS

One is a joke about Islamic terrorism:



And one is a comment about political violence:



Brian Cain June 3, 2016 · Philadelphia, PA ·

How long until a law abiding, gun permit carrying, Trump supporter decides his life is in danger and blows away one of these domestic terrorists democrats?

Share

53

Bob Bannan I was thinking the same thing as I watched a few of the most recent videos.

1

1y

After the interview, the District Attorney's Office issued a *Giglio* letter to Bannan, characterizing his posts as evidencing "disrespect of the law." The Outside Counsel Report described Bannan's posts as "likely" to "have a significant impact on policing because they advocate violence against people accused of crimes, including suggesting that police take violence [sic] against suspects, they contain racial stereotyping of several different ethnic groups, including African Americans and others, and use sexist imagery and language suggesting that women belong in the kitchen and should keep quiet." The Commissioner issued a Direct Action charging Bannan with Conduct Unbecoming and Neglect of Duty. Bannan resigned thereafter.

As stated, all of Bannan's posts touch on matters of public concern. The question is whether "the interests of both [Bannan] and the public in the speech at issue" are outweighed by "the [City's] legitimate and countervailing interest, as an employer, in 'promoting workplace efficiency and avoiding workplace disruption.'" *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest is weightier. The bulk of Bannan’s posts—eight total—advocate for extrajudicial violence perpetrated against suspects and defendants in one-off instances of crime. In one, Bannan shares a news story of two parents who abused and killed a child, and then “volunteer[s] to beat” two defendants—in Bannan’s words, “worthless animals”—“upon their conviction of murder.” In another post, Bannan argues that a defendant is a “monster” that “should be shot.” It is not genuinely disputed that this group of Bannan’s posts advocate for vigilante violence against defendants and suspects. Indeed, Bannan reinforced that viewpoint in one meme which said, “statistics show that criminals commit less crime after they’ve been shot.” Bannan’s opinion about defendants and suspects is evidenced by three more posts, which mock suspects and defendants being chased, or who have been apprehended, by law enforcement. One proclaims, “scream like the little girl you are.” Because these posts “advocat[e] violence to certain classes of people”—in this case, criminal suspects and defendants—Bannan’s speech has a high “potential . . . to diminish the [PPD’s] standing with the public . . .” *Grutzmacher*, 851 F.3d at 347.

His posts making fun of women and Black Lives Matter protestors are likewise disruptive because they demonstrate bias against those groups, thereby eroding the “relationship of trust” between the police and the public that the PPD relies on. *Locurto*, 447 F.3d at 183. What’s more, these posts could jeopardize Bannan’s credibility in just about any criminal proceeding because they demonstrate, as the District Attorney’s Office recognized in the *Giglio* letter it issued him, a general “disrespect for the law.”

The City has shown that Bannan’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in avoiding this disruption outweighs Bannan’s and the public’s interest in his posts, his posts are not protected. Accordingly, for the

reasons set forth above, the City is entitled to summary judgment on Bannan's First Amendment retaliation claim.

e. William Bowdren

Detective Bowdren began working for the PPD in 1996. At the Internal Affairs interview, he was shown a twenty-page packet containing fourteen social media posts from the Plain View database, of which he initialed each page. He acknowledged that he maintained a Facebook account under the name "William Bowdren," and that the packet contained social media posts made by his Facebook account.

Bowdren was sanctioned for seven of his posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Two involved Islam:

William Bowdren shared [REDACTED]'s photo. ...

February 23, 2016 ·



[REDACTED] February 20, 2016 ·

Those are not his daughters - those are his wives - welcome to Islam.

Share

 [REDACTED] So wrong
2y

 William Bowdren shared Joseph Przepiorka's post. ...

January 11, 2016 ·

CAN YOU CONNECT THE DOTS?
See a pattern here?

LOCATION	TERRORIST'S RELIGION	GUN FREE ZONE ?	CASUALTIES
FT. HOOD	MUSLIM	✓	13 DEAD 33 INJURED
BOSTON	MUSLIM	✓	5 DEAD 280 INJURED
PARIS	MUSLIM	✓	136 DEAD 352 INJURED
MADRID	MUSLIM	✓	191 DEAD 2050 INJURED
CHATTO-NOOGA	MUSLIM	✓	6 DEAD 2 INJURED
SAN BERNARDINO	MUSLIM	✓	14 DEAD 17 INJURED

Joseph Przepiorka
 January 11, 2016 ·

 Share

 1

One involved immigration:



William Bowdren shared Being Liberal Means Being a Hypocrite
2's photo.

May 6, 2016 ·

...



Being Liberal Means Being a Hypocrite 2

May 6, 2016 · *

Like Page

Think immigration has changed a little over the years?

Share

And four discussed protestors, suspects, and criminal defendants:

via Philadelphia Police Department • April 14, 2012 · 

Help catch this piece of trash!



PHILLYPOLICE.COM

Philadelphia Police Department | Wanted: Suspect for Theft from 15th District

 Share

 7

1 Share

[View 2 more comments](#) 

 [REDACTED] Hopefully the video leads to a quick capture while it's fresh in everyone's minds

5y

 **William Bowdren** What a P.O.S. Tim. I hope he has the audacity to walk back in the bar tonite. Lock the doors and let the firemen handle it.

 1

5y

 **William Bowdren** •
February 13, 2017 · 

Vroom Vroom



CSCMEDIAGROUPUS.COM
Tennessee Passes Bill Allowing People To Hit Protesters Blocking Roads - C.S.C. Media Group U.S.

 Like  Share

 17

 **William Bowdren** ...

January 8, 2017 · 6abc · 

These animals need to be tortured and mutilated in a public square.



6ABC.COM

Mother and boyfriend both charged in teen's murder

The adoptive mother of a 14-year-old Montgomery County girl whose disme...

 Like  Share

 20

 **William Bowdren** •

September 4, 2017 · 

I have no words. These 4 people need to be exterminated immediately.



6ABC.COM
10-year-old girl beaten, dragged by car; 4 charged
A 10-year-old girl who was beaten repeatedly, forced to run with heavy packs...

 Like  Share

  9

1 Share

After the Internal Affairs interview, the District Attorney's Office issued Bowdren a *Giglio* letter, which characterized his posts as exhibiting "anti-Muslim bias" and advocating "torture for murder suspects." The Outside Counsel Report characterized the posts as "likely" to "have a somewhat significant impact on policing because they promote vigilante violence and police brutality, and contain anti-Muslim and anti-immigrant comments." After the investigation was finished, Bowdren was charged with Neglect of Duty, but his sanction is still pending.

As stated, all of Bowdren’s posts touch on matters of public concern. The question is whether “the interests of both [Bowdren] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest is weightier. Two of Bowdren’s posts advocate for defendants charged with murder “to be tortured and mutilated in a public square” or “to be exterminated immediately.” These posts advocate for extrajudicial violence against criminal defendants, and thus could undermine the public trust in law enforcement. *See, e.g., Grutzmacher*, 851 F.3d at 347 (speech that “advocat[ed] violence to certain classes of people” was likely to disrupt a fire department’s operations because it had the “potential . . . to diminish the [d]epartment’s standing with the public”). The same posts could be used to impeach Bowdren at trial in just about any criminal proceeding, rendering him less useful to the prosecution as a witness—a core function of his duties as a member of law enforcement. And Bowdren’s posts about Islam and Muslims direct “invective . . . against the very persons that the governmental agency is meant to serve,” and therefore “could be expected to have serious consequences for the performance of [Bowdren’s] duties and the [PPD’s] regular operations.” *Munroe*, 805 F.3d at 474. The fact that leaders from Philadelphia’s Muslim community met with PPD leadership and the Mayor’s Office to share their concerns about posts like his is an example of such a consequence.

The City has demonstrated that Bowdren’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs Bowdren’s and the public’s interest in the posts, his speech is not protected. Accordingly, for the reasons set forth above, the City’s Motion for Summary Judgment will be

granted as to Bowdren's retaliation claim.

f. Jesus Cruz

Officer Cruz began working for the PPD in 1989. The Plain View database contains thirty-six posts attributed to Cruz, all of which he initialed when shown them at his Internal Affairs interview. Cruz did not deny making any of the posts in question.

Cruz was sanctioned for twenty-seven posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Twelve posts shared his thoughts on Islam and its followers:

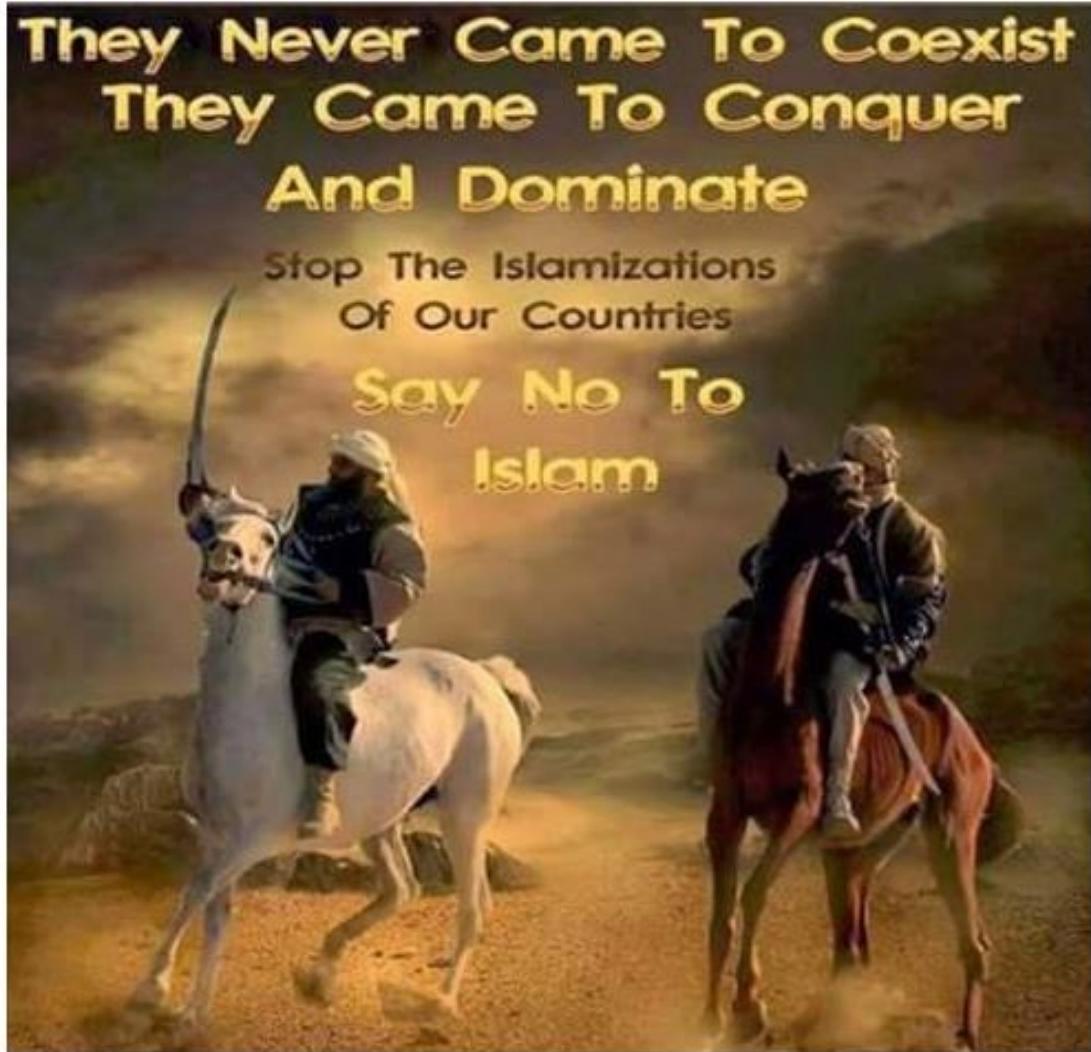




[Jesus Cruz](#) shared [REDACTED]'s post.

November 14, 2015 ·

...



[REDACTED] November 13, 2015 ·

Follow

Share

2

 **Jesus Cruz** •

November 24, 2015 · 

Yes Islam a religion of peace..... I get it....

2015 · 11 · 11:22:21



I-SUPPORTISRAEL.BLOGSPOT.COM

Breaking News! Watch: Palestinian girls trying to stab an elderly man
14 and 16 years old Palestinian girls stabbed 70-year-old Palestinian man be...

 **Jesus Cruz**
May 13, 2016 · 

Fucking yeah



SUPREMEPATRIOT.COM
GERMAN POLITICIAN SAYS: 'Muslims Should Be SHOT At The Border If They Try To Enter Illegally -...
 Share



Jesus Cruz

June 12, 2016 ·

...

No..... it's that fucked up religion of Islam. Wake the fuck up people



WWW.FOXNEWS.COM

Police say 'around 20' killed in shooting at Orlando nightclub, more than 40 taken to local...

Share



 Jesus Cruz shared [REDACTED]'s photo. ...

June 12, 2016 ·

share this pig



If your not celebrating
ramadam meme mayo

[REDACTED] is with [REDACTED].

June 6, 2016 ·

 Share

 1



Jesus Cruz

June 14, 2016 ·

...

Not an act of terrorism but another piece of shit Muslim



DENNISMICHAELYNCH.COM

SWAT Team Kills Armed Muslim Who Took Hostages At TX Walmart

An armed man who took hostages at an Amarillo, Texas Walmart store Tues...

Share



1



Jesus Cruz

July 13, 2016 ·

...

Keep letting those peaceful Muslims in.....



BREITBART.COM

Fashion Legend Karl Lagerfeld: Paris 'Is a Nightmare Now'

Share



Jesus Cruz shared [REDACTED]'s photo.

April 1, 2016 ·

...

Even back then Islam is an evil cult.....



[REDACTED] ▶ Donald Trump For President 2020!!!!!!

March 31, 2016 ·

Share



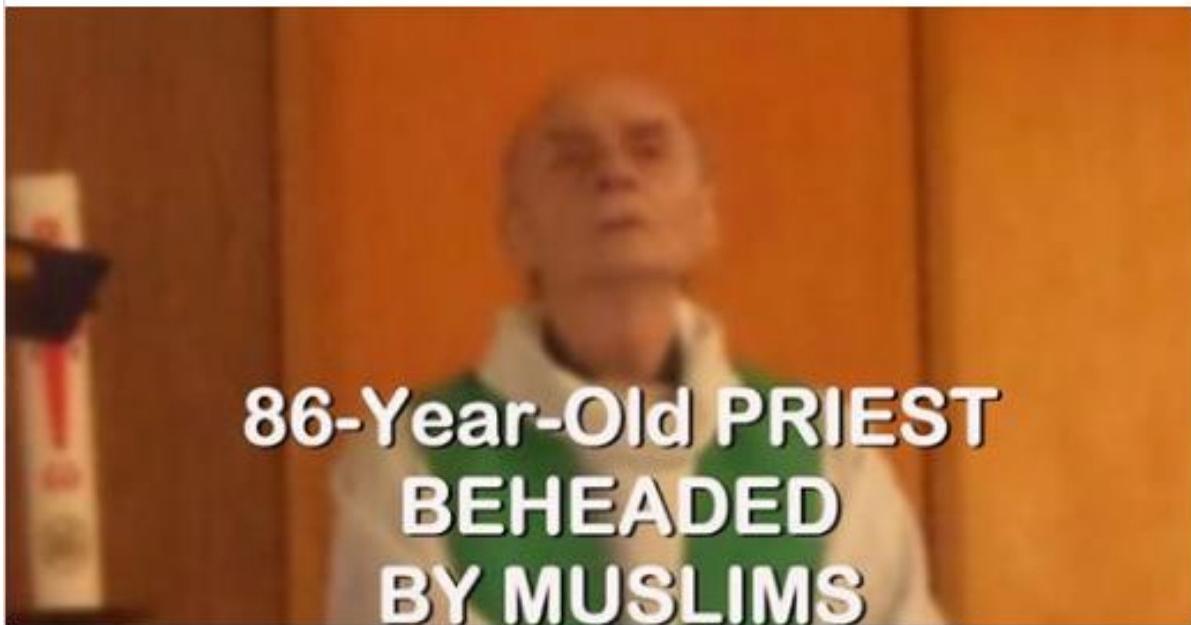


Jesus Cruz

July 26, 2016 ·

...

Islam the religion of peace?



DENNISMICHAELLYNCH.COM

86-YEAR-OLD PRIEST BEHEADED BY MUSLIMS

details....

↗ Share



Jesus Cruz

September 19, 2016 ·

...

Wait for it..... they were Muslims



BREITBART.COM | BY FRANCES MARTEL

Police Raid Suspect's Apartment in Elizabeth, NJ Following Train, Manhattan Bombings

Share

2



Jesus Cruz shared New York Post's video.

February 2, 2017 ·

...

No matter how much you try to cuddle them this is the end result



23,101,703 Views

New York Post added a new video: Video shows parents sending a 7 and 9 year old daughters on su...

December 22, 2016 ·

Like Page

Video captures a Syrian mother and father preparing their two daughters, ages 7 and 9, for jihad suicide missions.

Like

Comment

Share

Ten more commented on Islam too, albeit through a distinctly political lens—either blaming President Obama for Islamic terrorism or Muslim migrants, or agreeing with President Trump about the need to prevent Muslim migrants from entering the country. This group of posts also mentioned then-recent terror attacks:



Jesus Cruz November 13, 2015 · 

I'm here to apologize to all the guys I work with, cause I told them they are all being paranoid of stock piling ammo, but this resent [sic] attack in Paris just opened my eyes I will start buying 12ga shotshells, 9mm cartridges, 40s&w cartridges and get ready for these animals.....

 Share

 7

 [REDACTED] Don't forget the .223 and 7.62X39mm!!
2y

 **Jesus Cruz** Your right I'm going to buy a AK47 first  1
2y

 [REDACTED] Get an AR-15 ... More accurate lol
2y

 **Jesus Cruz** AK47 is more reliable
2y

 [REDACTED] Yes its reliable but your not gonna be putting enough rounds theu that AR to make a difference....accuracy will make all the difference tho lol
2y

 **Jesus Cruz** •
December 10, 2015 •

Look liberals this us what they want....



LiveLeak

WWW.ISRAELVIDEONETWORK.COM
Woman Beheaded In Broad Daylight in 'Moderate' Muslim Nation
While Police Watch

 Share



Jesus Cruz

July 15, 2016 ·

...

Wake up America these animals will not stop until you convert to Islam.....
and if Clinton gets in there will be more terrorist let into our country.....



BREITBART.COM

Two Americans Killed in Nice, France Terror Attack: State Dept

Share

5



Jesus Cruz

March 22, 2016 ·

...

Yes let these animals in and America is in trouble, I don't care for Trump but he has a point about these Muslims



ALLENBWEST.COM

After Brussels terror, ISIS issues chilling six-word WARNING... - Allen B. West - AllenBWest.com

Share





Jesus Cruz shared NBC10 Philadelphia's photo.

September 19, 2016 ·

...

Look another Muslim..... way to go Barack



SEEKING INFORMATION AHMAD KHAN RAHAMI

Explosion
New York, New York
September 17, 2016



NBC10 Philadelphia

September 19, 2016 ·

Like Page

FBI releases wanted poster that shows suspect in NY, NJ bombings:
<http://on.nbc10.com/Hk8ZEYQ>

Share





Jesus Cruz

January 29, 2017 · Shared via AddThis ·

For you who forget what these Muslims are doing



DAILYWIRE.COM

A Complete List of Radical Islamic Terror Attacks on U.S. Soil Under Obama

Like

Comment

Share





Jesus Cruz

...

August 9, 2016 · Philadelphia, PA ·

All I want from the government is to defend this country against Islam.....I will protect my family with my AR15.....

Share

4

 **Jesus Cruz**
May 23, 2017 · 

Tell me again why Trump is wrong about these fucking animals..... and remember these were young kids he just murdered.....

 [REDACTED] shared a link to the group: The Deplorables.
May 23, 2017 · 

<https://www.facebook.com/vidmaxmedia/posts/1575061685837995>



VIDMAX.COM
BREAKING! This is the Islamic scum that killed 22 in Manchester, AND HE WAS ARRESTED FOR TERROR AND LET GO BY U...

 Like  Comment  Share

  2

 **Jesus Cruz** shared a link.
May 23, 2017 · 

VIDMAX.COM
BREAKING! This is the Islamic scum that killed 22 in Manchester,
AND HE WAS ARRESTED FOR TERROR AND LET GO BY UK...

 Like  Comment  Share

 1

1 Share

 **Jesus Cruz** shared Fox News's video.
March 23, 2016 ·

You see Israel gets it..... wake up world Islam is a cult not a religion....



2,150,379 Views

Fox News added a new video.
March 22, 2016 ·

"What they seek is our utter destruction and their total domination ... well my friends, that's not going to happen."

In his speech at the AIPAC Policy Confer...
[See More](#)

 Share

 2

Three posts involved news stories about violent interactions between members of the public and police officers:

 **Jesus Cruz** · May 3, 2016 · 

Fucking animals, he should of split his wig.....



6ABC.COM
Officers attacked breaking up fight in Philadelphia
One officer suffered a broken jaw and lost some teeth; the other officer had s...

 Share

 1

1 Share

 **Jesus Cruz** •

August 7, 2016 · 

Now tell me why the officer did not shoot this animal?



FREEDOMDAILY.COM
NASTY Woman With AIDS-> BITES Police Officer On Traffic Stop!
Exposing Him To DISEASE! * Freedom Daily

 Share

  2

 **Jesus Cruz** shared FOX 12 Oregon's video. ...

January 25, 2017 · 

That's how you do it


A video thumbnail showing several police officers in dark uniforms and riot gear standing on a city street. One officer is in the foreground, facing away from the camera. In the background, there are other officers, a white bus, and a crowd of people. A large white play button is overlaid in the center of the thumbnail.

24,709,985 Views

FOX 12 Oregon added a new video.
January 25, 2017 · 

The Portland Police Bureau was quick to respond as protesters blocked traffic in the downtown area Wednesday afternoon. bit.ly/2j6l4qR

 Like Comment Share

  11

One post shared an opinion about the treatment of those who kill police officers:

 **Jesus Cruz** shared [REDACTED]'s photo.
July 4, 2016 · 

That's absolutely right.....



[REDACTED]
March 14, 2016 · 

Looks like Florida has a sheriff like Arizona has, "You kill a policeman it means no arrest...no Miranda rights...no negotiations...nothing but as many bullets ...
[See More](#)

 Share

 3

And finally, one post celebrated the death of an attempted rapist at the hands of the alleged victim's husband:

Jesus Cruz
June 4, 2016 ·

One less piece of dog shit

FREEDOMDAILY.COM
Black Lives Thug Tries To Rape Woman, Husband Beats Him To Death With A Tire Iron • Freedom Daily

Share

1 2

After Cruz's Internal Affairs interview, the District Attorney's Office issued him a *Giglio* letter. The Outside Counsel Report described Cruz's posts as likely having "a significant impact on policing because there are a large number of posts that are anti-Muslim and promote violence against Muslims, as well as promoting violence by police against suspects." The Commissioner

issued a Direct Action charging Cruz with Conduct Unbecoming and Neglect of Duty. He was sanctioned with dismissal, but retired before the termination became effective.

As stated, all of Cruz’s posts touch on matters of public concern. The question is whether “the interests of both [Cruz] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest in preventing the disruption that Cruz’s posts were likely to cause outweighs his and the public’s interest in the posts. In some of his posts, Cruz calls criminal suspects “animal[s]” and “piece[s] of dog shit.” In other posts, Cruz simply attacks Muslim people for being Muslim—*e.g.*, referring to “piece of shit Muslim[s]” and “that fucked up religion of Islam.” This kind of invective against people whose safety the police are duty-bound to ensure is likely to erode trust between the police and the public. See *Munroe*, 805 F.3d at 474. He also calls Islam an “evil cult,” and suggests America should “make peace” with it via nuclear weaponry. This type of language would not merely be “of passing interest to members of the [Muslim] community; rather, [because] they were the very objects of [Cruz’s] derision,” it would likely jeopardize the working relationship between that community and the PPD.

Locurto, 447 F.3d at 183. Indeed, leaders from the Muslim community expressed these concerns when posts like these were brought to light. The same can be said about Cruz’s post cosigning the viewpoint that a person who kills a police officer should be killed in return, without any due process whatsoever—his blasé attitude toward the Constitution and legal process could undermine his credibility in any criminal proceeding.

The City has demonstrated that Cruz’s posts were likely to cause significant interference

with the PPD's operations. Because the City's interest in preventing this disruption outweighs Cruz's and the public's interest in his posts, his posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be entered in favor of the City on Cruz's First Amendment retaliation claim.

g. Daniel Farrelly

Officer Farrelly began working for the PPD in 2002. The Plain View database contains twenty-five posts attributed to Farrelly, none of which he denied having posted when shown them at his Internal Affairs interview. The Facebook posts were all posted under the name "Daniel Mike."

Farrelly was sanctioned for the following seventeen posts and comments. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Three were about dealing with protestors using violence:

 Daniel Mike shared Steve Reichert's photo. ...

July 5, 2015 · 

Beautiful, just beautiful!



Steve Reichert is with [REDACTED] and 2 others.  Like Page

July 2, 2015 · 

Glad this fine gentleman got his hippie stomping merit badge!
www.Facebook.Com/stevereichertofficialpage

 Share

 21



Daniel Mike shared Survive the Streets: A Page for Cops's video. ***

December 26, 2015 · *

Beautiful !!

No one cares about your stupid protest



677,756 Views

Survive the Streets: A Page for Cops added a new video.

December 25, 2015 · *

Like Page

Well, that traffic disruption protest didn't pan out.



Daniel Mike shared azcentral's video.

...

March 19, 2016 ·

Trump , trump , trump !!! I can't wait until someone has had enough , and just plows through these idiots !



6,880,208 Views

azcentral added a new video: Car driven through group of Trump protesters.

March 19, 2016 ·

Like Page

Watch a vehicle get driven through a group of people protesting Donald Trump's Fountain Hills rally. You can clearly see a Maricopa County Sheriff's Deputy shrug.

<http://azc.cc/1RaKmdf>

Share

19

Four dealt with law enforcement tactics used to quell lawlessness:



Daniel Mike shared WLBT 3 On Your Side's video.

...

April 8, 2016 ·

To all the Bernie and Hillary supporters who agree with those two morons that the Police are the enemy ! These are the type of animals preying on your loved ones ! Careful what you wish for !



1,294,181 Views

WLBT 3 On Your Side added a new video.

Like Page

April 7, 2015 ·

EXCLUSIVE VIDEO: This video of some Jackson kids playing with guns was posted on Instagram and has community members on edge - they say it's a "disgrace to the ...

[See More](#)

Share

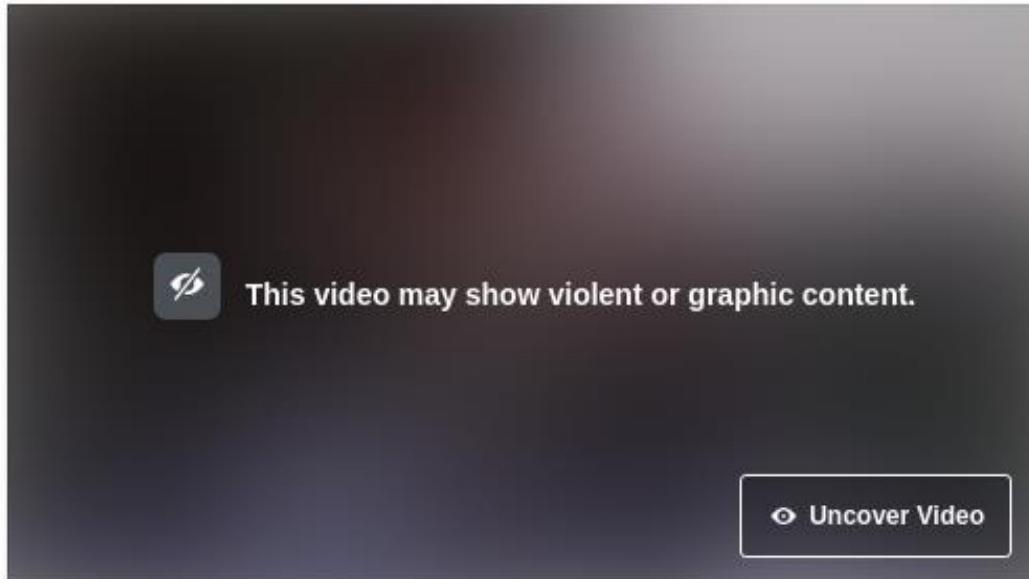


Daniel Mike shared Mediatakeout's video.

February 17, 2016 ·

...

And people think American cops are tough ????



2,793,185 Views

Mediatakeout added a new video: THIS Is What They Do To DRUG Dealers In UKRAINE!!

February 17, 2016 · *

Like Page

Ukrainian Rebels Capture A DRUG DEALER . . . And Instead Of Taking Him To PRISON . . . They WHIPPED HIM LIKE A SLAVE!!! (Wow . . . They Don't PLAY Over There)

Share

4



Vince Cione Think he'll deal drugs again ?

2y



Daniel Mike I think they killed him after , so no ! 1

2y

Daniel Mike shared a video.
February 17, 2014 ·

Here is what you created , bleeding heart liberals !!! Police should be sweeping in here and administering swift punishment ! But it's a criminals world now , and most don't fear the law anymore ! God help this country !



LiveLeak

KRON 4.com
8:34

MORE LOCAL NEWS BUSINESS YELLEN REBUFFS FED CRITICS AND PLEASES INVESTORS HOUSE
NORTH BAY FAIRFIELD 64/42 NAPA 62/40 SAN RAFAEL 63/45

Luimarc Daily
February 13, 2014 · Like Page

Oakland Nightly !

11 10 Comments

Share

[REDACTED] Bunch of idiots that need to be destroyed
4y 2

[REDACTED] Daniel Mike In philly , 20 cars would be called to that corner and most of those idiots would have been sent to the hospital for an extended stay !
4y 5

[REDACTED] They have no respect at all
4y 1

[REDACTED] Cops are out numberedyou send in the fucking military... Some places in Oakland or a fucking war zone
4y 1

[REDACTED] I would sit on a roof top and just pop them off one by one lol
4y 1

[REDACTED] Fight fire with fire!! Eventually the police will be back in charge of the streets. If the cops keep bumping the animals off, they may get suspended or fired, but they can only fire so many officers or suspend them.
4y

[REDACTED] Daniel Mike You need to teach these assholes a lesson on who runs the streets like the not so old days ! Liberal judges don't punish anyone enough , and people who don't live in neighborhoods like this cry foul when cops are a little rough with these thugs ,But scream for justice when they are the victim ! Rizzo would never let this happen to his cops , or city !
4y 5

Anthony Pfetscher shared Civilians AGAINST Cop Block's video. •••
April 13, 2016 · 8



Civilians AGAINST Cop Block

3,179,673 Views

Civilians AGAINST Cop Block added a new video.
April 12, 2016 · 8

I'm so mad right now I'm shaking 😡😡
This video was taken at the James A. Cayce projects in East Nashville today. Metro-Nashville Officer Matthew Cammarn (who w...
See More

Share

4

[REDACTED] Filthy hood rat animals. We would have gone back with a full platoon. 1
1y

[REDACTED] They should just fence the projects off and let them kill each other.. Problem solved.. Don't dial 911 when you hav a problem, animals... 5
1y

[REDACTED] They are animals!!!! No class no brains 2
1y

[REDACTED] I can't even watch this, waste of life. 2
1y

[REDACTED] These people are fucking idiots. The idiot filming is like I got this shit on tape. Yeah showing the other person trying to help to bad person. They all should get arrested. And I totally agree with you [REDACTED]. Grow up people. 2
1y

[REDACTED] Excuse my language. 😅 1
1y

[REDACTED] Daniel Mike #1 . Why is he in the projects ? #2 why is he in the projects by himself #3 why is fighting with this creeten in the projects by himself ??? Hopefully , the whole district was in those projects for a month after this and some harsh lessons were levied ?? 2
1y

Three dealt with Islam and Muslim refugees:

 **Daniel Mike** shared Que Viva España's video.
December 1, 2015 · 



2,425,246 Views

Que Viva España added a new video: Refugiados rechazan comida porque lleva la cruz de la Cruz Roja.  September 22, 2015 · 

Refugees reject food because it carries the cross of the red cross. If they do not want to adapt, let them go back to their countries.

STOP ISLAM

Share if you are outraged that they want to impose their beliefs.

 See original · Rate this translation

 Share

 6

 **Michael Anthony** Maybe we should put big red Fucking crosses on our welfare cards too! Animals not welcome  3
2y

 **Daniel Mike** trump will erect cross fences!  2
2y



Daniel Mike shared Exposed's video.

...

March 16, 2016 ·

Welcome these wonderful people to our country to go to school with your children !



944,333 Views

Exposed added a new video.

Like Page

August 22, 2015 ·

Lost for words

Share



Daniel Mike shared Brigitte Gabriel's video.

...

March 26, 2016 ·

Let them in !!!! They are peaceful people !



901,331 Views

Brigitte Gabriel added a new video: The Islamic State's Promise To The West.

December 22, 2015 ·

Like Page

Why aren't we hearing these words from our enemies in the mainstream media?

As I learned while living in a bomb shelter for my teenage years: Take serious those...
See More

Share

One commented about those who participate in social welfare programs:

Daniel Mike shared a video.
October 21, 2013 ·

Unreal , this country is going to he'll !



my FOX
MEMPHIS

The Video Junkyard
October 19, 2013 ·

LIKE The Video Junkyard for more videos!

11 Comments

Share

Foodstamp card? really. And thats why they have kids. Unreal. Animals
5y

What a piece of shit
5y

Wtf
5y

omg i cant believe what that woman just said. omg shes going to jail right? like WTF
5y

Somebody please beat the rest of her teeth out of her fucking mouth
5y

ill do it! which jail is she in?
5y

Rachael Catalini What a fucking animal!
5y

Daniel Mike What does she care ? Her and her animal sister will have 4 more than the taxpayers will pay for !!
5y

One despaired the state of a neighborhood in Philadelphia:



Daniel Mike

March 2, 2014 ·

...

Overbrook ! Remember when you were able to say you lived there proudly ? To the assholes who took over that neighborhood , your an absolute disgrace to the human race !!!! There was practically zero crime there when I was growing up there !

85

23 Comments 1 Share

Share

Two are attempts at humor at the expense of Black people or gay men.

Daniel Mike is with [REDACTED] and 2 others. •••
August 8, 2015 ·

I always have time for my fans ! Mike Gerico and Alex Holly from Good day Philadelphia wanted their pictures taken with me !



Share

228

2 Shares

[View 29 more comments](#)

[REDACTED] Luv u Man! 1
2y

[REDACTED] Where they at Vango?
2y

[REDACTED] **Daniel Mike** Chris Joseph She dat chicken head from aroun da way .
She Lil Ants baby mom . She not from Da block doe , she went ta Crenshaw !
2y

[REDACTED] **Chris Joseph** Oh Dat freak jawn. I hollard at Dat shortda for a minute.
 1
2y

Daniel Mike shared [REDACTED]'s video. ...
February 24, 2016 ·

BILLY'S DAD IS A FUDGE-PACKER

4,920,016 Views

[REDACTED] added a new video.
February 23, 2016 · Follow

One of the best social guidance films from the 50s.

Share

2

[REDACTED] Too funny
2y

And one post displays apathy at the shooting death of a teenager.

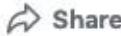
 **Anthony Anzideo**
October 11, 2014 · Philadelphia, PA · 

Seems justified to me



M.STLTODAY.COM
Teen died from gunshot to right cheek, medical examiner says : News

3 likes 7 Comments 1 Share

 Share

 [REDACTED] Hahaha "that wasn't his personality to have a gun" yet he was wearing an ankle bracelet for gun charges. 😂😂😂 I can't with these morons 😂😂😂
4y 1 like

 **Mario Booch** He armed was with a sandwich and one that shoots bullets....F HIM!!!!
4y 1 like

 [REDACTED] It's unbelievable. We need an elected official to stand up and have the police back. And tell these people they r wrong.
4y

 **Daniel Mike Snore** !!!! Who cares !
4y 1 like

After the interview, the District Attorney’s Office issued a *Giglio* letter to Farrelly, which described his posts as inciting “violence and advocating excessive force against protestors and exhibiting racial, religious, and sexuality-based bias.” The Outside Counsel Report described Farrelly’s posts as likely to “have a significant impact on policing because they express animus towards Muslims, advocate violence, express animus towards African Americans and contain slurs against members of the LGBTQ community.” At the end of the investigation, Farrelly was charged with Conduct Unbecoming and Neglect of Duty. As a sanction, he was dismissed from the PPD.

As stated, all of Farrelly’s posts touch on matters of public concern. The question is whether “the interests of both [Farrelly] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, that balance weighs in favor of the City. Several of Farrelly’s posts either expressly advocate for, or at least condone, violence against protestors—including one post that describes a fantasy wherein a frustrated driver has “had enough, and just plows through” protestors on the street. These posts have the “potential . . . to diminish the [PPD’s] standing with the public” because PPD officers are tasked with ensuring protestors safety. *Grutzmacher*, 851 F.3d at 347. His post calling a gay man a “fudge-packer” and his posts suggesting Muslims are violent people who should be banned from American soil “could be expected to have serious consequences for the performance of [Farrelly’s] duties,” *Munroe*, 805 F.3d at 474, including his duty to testify in support of his arrests; the District Attorney’s Office recognized as much when it issued him a *Giglio* letter. And the post suggesting that police “teach these [criminal] assholes a

lesson on who runs the streets” flouts the community’s expectation that they all, including those who live in a high-crime area like the one depicted in that post, will be treated appropriately.

The City has demonstrated that Farrelly’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs Farrelly’s and the public’s interest in his posts, Farrelly’s posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be entered in favor of the City on Farrelly’s First Amendment retaliation claim.

h. Christian Fenico

Fenico began working for the PPD in 2003. Before the Plain View database was published, and after receiving a letter from Injustice Watch regarding his posts, Fenico was interviewed by PPD leadership.¹⁸ During this first interview, Fenico admitted that he maintained a Facebook Account under the name “Chris Joseph,” but denied making any posts that might have shown bias, used any dehumanizing language or implicated law enforcement, violence, or any suspect or defendant’s rights. Fenico was then interviewed a second time. This time, seven of his posts from the Plain View database were shown to him. He initialed each post, and this time did not deny making any of them.

¹⁸ In Plaintiffs’ view, the fact that Fenico and certain other Plaintiffs were initially interviewed after the Injustice Watch letters were sent, but were not disciplined at that time, undermines the City’s determination that the posts were likely to disrupt. At oral argument on the instant Motion, the City responded that, during these initial investigations, the officers were not disciplined because the PPD was unable to locate the specific posts that are at issue here. Plaintiffs respond that the fact that the posts were not easy to find means that the posts were unlikely to disrupt.

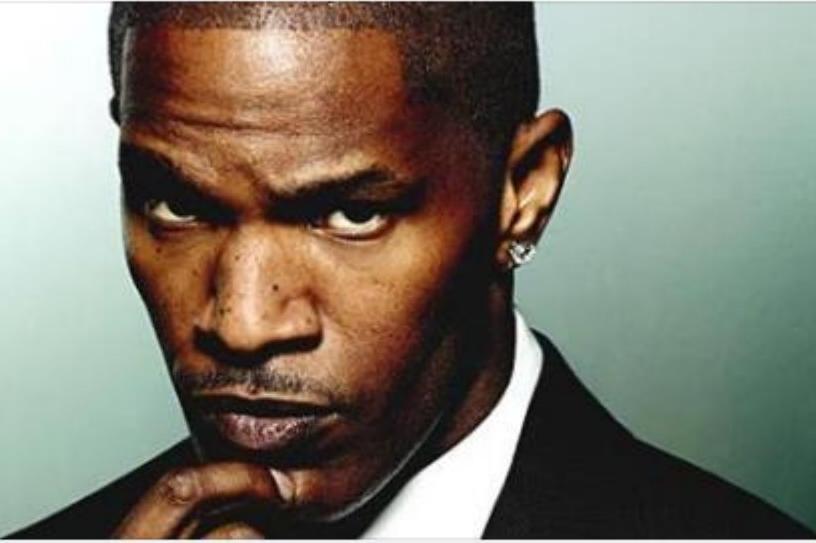
As discussed earlier, the posts’ likelihood of disruption is not necessarily tied to the difficulty of finding them, such that posts which are hard to find are automatically unlikely to disrupt. *See Munroe*, 805 F.3d at 476-77 (“The discovery of the blog undermines Plaintiff’s early assumptions that her small readership and relative anonymity would protect her personal comments from reaching their subjects, especially as the blog was not password protected.”).

Fenico was sanctioned for four posts.¹⁹ As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

One was a comment about Jamie Foxx's public statements on race:

 **Chris Joseph** commented on ijreview.com. ***
December 11, 2012 · 

"I kill all the white people, how great is that"? And the white people cheer. They should have rushed the stayed and kicked his ass.



IJREVIEW.COM
Video: Jamie Foxx's Racist SNL Rant
The division continues

2 Comments

 Like  Comment

¹⁹ Fenico disputes the authenticity of some of the posts shown to him. For example, he denies commenting “let them starve to death” regarding Muslim immigrants who had supposedly turned away free food. Rather, he asserts that the “post was absolutely 100 [percent] edited.” But even accepting that point as true, it is not dispositive here in that “if . . . [an] employer makes a factual mistake about [an] employee’s” speech when disciplining the employee, the employer may still defend against a First Amendment retaliation claim if the employer’s interest in preventing potential disruption outweighs the employee’s interest in making the perceived speech. *Heffernan v. City of Paterson, N.J.*, 578 U.S. 266, 273 (2016); see also *DiMarco v. Borough of Saint Clair*, No. 22-2865, 2023 WL 6442603 at *2 n.1 (3d Cir. Oct. 3, 2023) (citing *Heffernan* for same).

One concerned Muslim refugees:

 **Daniel Mike** shared Que Viva España's video. ***
December 1, 2015 · 



2,425,246 Views

Que Viva España added a new video: Refugiados rechazan comida porque lleva la cruz de la Cruz Roja.
September 22, 2015 · 

Refugees reject food because it carries the cross of the red cross. If they do not want to adapt, let them go back to their countries.

STOP ISLAM

Share if you are outraged that they want to impose their beliefs.
 See original · Rate this translation

 Share

 6

 **Michael Anthony** Maybe we should put big red Fucking crosses on our welfare cards too! Animals not welcome  3
2y

 **Daniel Mike** trump will erect cross fences !  2
2y

 **Michael Anthony** Fuck these terrorist. They absolutely ravaged Greece  3
2y

 **Chris Joseph** Good, let them starve to death. I hate every last one of them.  1
2y · Edited

 **[REDACTED]** Soon there will be a shortage on red spray paint and wooden stakes.  1
2y

 **[REDACTED]** Can't say we didn't try.
2y

 **Brian McBride** Fuckem  2
2y

 **Yo Stuff** Send these ungrateful fucks back Fuck them!  1
2y

And two involve acts of police use of force:



Chris Joseph commented on MrConservative.com.

November 20, 2013 ·

Who cares, kid and mom are scumbags. Good job police



MRCONSERVATIVE.COM

Police Brutality: Handcuffed Teen Boy's Face Smashed When Cops Tasered Him // MrConservative.com



1

Like

Comment

Anthony Anzideo
October 11, 2014 · Philadelphia, PA · [Report](#) [...
Comments](#)

Seems justified to me



M.STLTODAY.COM
Teen died from gunshot to right cheek, medical examiner says
: News

3 likes 7 Comments 1 Share

[Share](#)

[REDACTED] Hahaha "that wasn't his personality to have a gun" yet he was wearing an ankle bracelet for gun charges. 😂😂😂 I can't with these morons 😂😂😂

4y 1 like

Mario Booch He armed was with a sandwich and one that shoots bullets....F HIM!!!!

4y 1 like

[REDACTED] It's unbelievable. We need an elected official to stand up and have the police back. And tell these people they r wrong.

4y

Daniel Mike Snore !!!! Who cares !

4y 1 like

[REDACTED] Why is this even a story?

4y

Daniel Mike You know why !!!!!

4y 1 like

Chris Joseph I like the "why is there no epidemic of white cops shooting white kids". Ummm

4y

After the investigation, the District Attorney’s Office issued Fenico a *Giglio* letter which noted that that one of his posts exhibited “anti-Muslim bias.” The Outside Counsel Report described Fenico’s posts as likely to “have a somewhat significant impact on policing based on the cavalier attitude towards police brutality and inciting racial violence, as well as anti-Muslim comments and suggesting that minorities commit crimes and deserve to be shot by police while whites do not.” The Commissioner issued a Direct Action charging Fenico with Conduct Unbecoming and Neglect of Duty. Fenico was dismissed from the PPD.

As stated, all of Fenico’s posts touch on matters of public concern. The question is whether “the interests of both [Fenico] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest is weightier. Fenico commented on a post about Muslim immigrants allegedly refusing food offered to them: “Good, let them starve to death. I hate every last one of them.” This post directs the kind of “invective” against Muslims and/or refugees that “could be expected to have serious consequences for the performance of the speaker’s duties and the agency’s regular operations.” *Munroe*, 805 F.3d at 474. Other of Fenico’s comments reflect, as the Outside Counsel Report put it, a “cavalier attitude towards policy brutality.” In one post, he commends police officers for “smash[ing]” a “teen boy’s face” while the officers “tased him,” commenting, “[w]ho cares, kid and mom are scumbags. Good job police.” In another post, he comments on police brutality as it pertains to race, writing “I like the ‘why is there no epidemic of white cops shooting white kids’. Ummm.” Fenico’s celebration of police brutality “advocates violence” and has the “potential . . . to diminish” the PPD’s “standing with the public . . .”

Grutzmacher, 851 F.3d at 347. Because of comments like these, Fenico's credibility as a witness would be suspect in criminal proceedings where he testified as a witness (as evidenced by the District Attorney's issuing Fenico a *Giglio* letter).

The City has demonstrated that Fenico's posts were likely to cause significant interference with the PPD's operations. Because the City's interest in preventing this disruption outweighs Fenico's and the public's interest in his posts, his posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on Fenico's retaliation claim.

i. Joseph Fox

Officer Fox began working for the PPD in 1990. At the Internal Affairs interview, Fox was shown twenty-seven social media posts and comments from the Plain View Database, each of which he initialed. He admits that he "authored many of" the posts, but does not identify any that he did not.

Fox was sanctioned for thirteen posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Five posts are about Muslims:

Joseph Fox
October 27, 2014 ·

I'm teaching my dogs to start Pissing on Muslims. That's a start.

Share

5



Joseph Fox

November 19, 2014 ·

...

So one of the daily announcements at my job is to check all Synagogues and Mosques for terrorist activity. I'm sorry I was under the impression that the people who attend these facilities are the ones committing these activities . Just one of the many thoughts going thru my confused mind.

Share

6



[REDACTED] Don't think to hard your brain will explode!

3y

 Joseph Fox
October 30, 2014 · 

When is open season on these fuckers?

 Done



**WHO IS BEHIND THAT MASK?
MAN? WOMAN? TERRORIST?
You don't know, do you?
The burqa is a security risk!**

 Share

 5

 **Joseph Fox**
November 15, 2014 · 

Got some new targets for range day!



 Share

 3

 [REDACTED] Oh, yeah!
3y

 Joseph Fox

December 10, 2014 · 

Heard a great joke today. Who is the Best Muslim ? A Dead One..

 Share

 3

 [REDACTED] Underwater one

3y

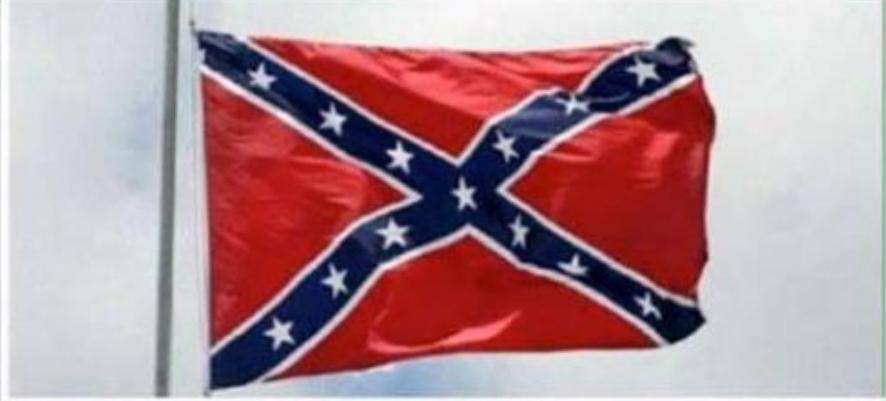
Four were comments about race, history, and racial justice:



Joseph Fox added a new photo.

June 26, 2015 ·

IF THIS FLAG COMES DOWN BECAUSE YOU'RE OFFENDED..



..THEN PULL THESE UP,

Share

5

1 Share

 Joseph Fox
July 11, 2015 · 

Fuck You Al Sharpton you Racist . The reaper is coming for you soon 😠



**This time we ride
Together**



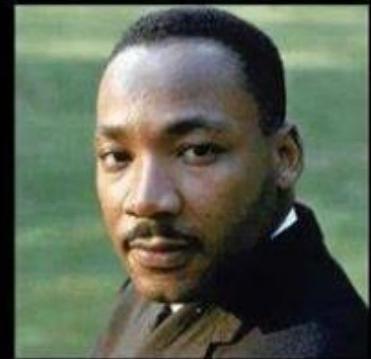
 Share

 5

4 Shares

 Tom Kurowski shared Nation In Distress's photo. •••

March 23, 2016 · *



**FROM SINCERE
WISDOM AND AN
AUTHENTIC DESIRE
TO EMPOWER THE
PERSECUTED**

**TO CORRUPT
RACE BAITERS,
WHO ARE
WILLING TO SELL
OUT THEIR
PEOPLE TO PAD
THEIR OWN
POCKETS**



**Free
Citizens
Coalition**

Nation In Distress Like Page

March 23, 2016 · *

RE-POST THE TRUTH! ~D DOG JR~ Nation In Distress

 Share

 1

 Joseph Fox Death Please

2y

One expressed his frustration about working overtime as a perceived result of the protests that occurred in Ferguson, Missouri, after Michael Brown's death at the hands of police:



Joseph Fox · November 20, 2014 · [Report](#) · [Share](#) · [3 comments](#) · [Link](#)

Fuck you Ferguson Thanks for the Un-wanted overtime animals...

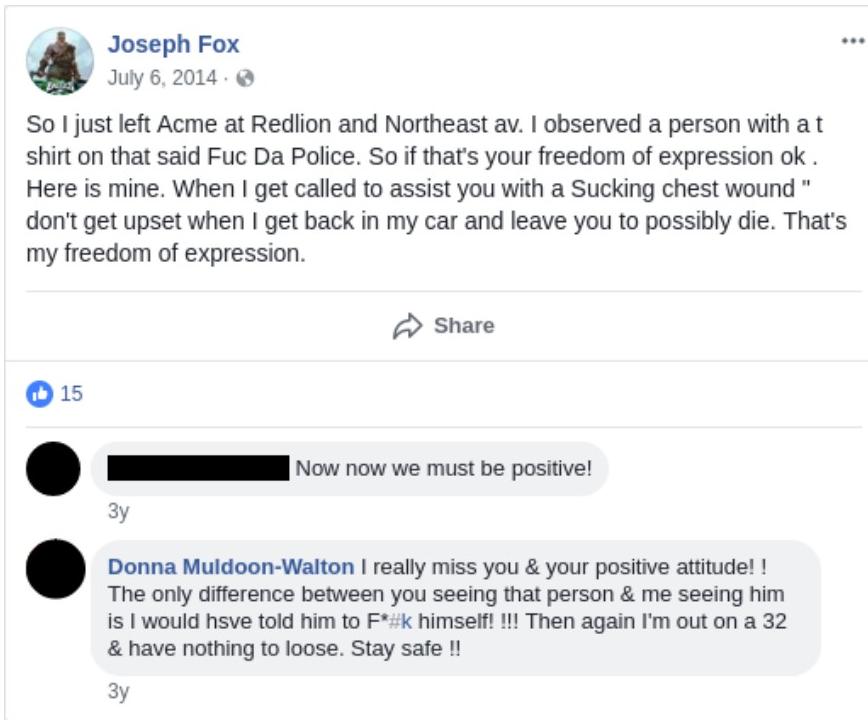
Share

7 likes

Robert DeSoi · 3 years ago · [Report](#) · [Share](#) · [Comment](#) · [Link](#)

Whee! 😊

One post dealt with his frustration about anti-police sentiment:



Joseph Fox · July 6, 2014 · [Report](#) · [Share](#) · [15 comments](#) · [Link](#)

So I just left Acme at Redlion and Northeast av. I observed a person with a t shirt on that said Fuc Da Police. So if that's your freedom of expression ok . Here is mine. When I get called to assist you with a Sucking chest wound " don't get upset when I get back in my car and leave you to possibly die. That's my freedom of expression.

Share

15 likes

[REDACTED] Now now we must be positive!

3 years ago · [Report](#) · [Share](#) · [Comment](#) · [Link](#)

Donna Muldoon-Walton · 3 years ago · [Report](#) · [Share](#) · [Comment](#) · [Link](#)

I really miss you & your positive attitude! !
The only difference between you seeing that person & me seeing him
is I would have told him to F*#k himself! !!! Then again I'm out on a 32
& have nothing to loose. Stay safe !!

One expressed his dissatisfaction with the mayor, while calling certain undisclosed individuals “animals.”



Joseph Fox
July 7, 2014 ·

Mayor Nutter is upset due to all the cursing on stage July 4th. Invite animals to perform and that's what you get! Good luck in Aug.

Share

5

Another contained a story about his day at work:



Joseph Fox
July 24, 2014 ·

Wow 6 robberies point of gun in the 15th, 02nd and 08th. Caught the scumbags at Franklin Mills mall trying to sell the cell phones. 5 sqd caught 1 inside the other was found outside hiding in a bush resisted and I tazed the prick a couple times. Phones and gun all recovered.

Share

23



Christina Rosenberg Yeah man !!!
3y



[REDACTED] Good for you!!!! But please be careful out there.
3y



[REDACTED] Great job!
3y



Bob Auman Good Job Mr Joe
3y

The Outside Counsel Report described Fox’s posts as likely to “have a significant impact on policing because they advocate bigotry and violence against Muslims and African Americans.” Once the report was finalized, the Commissioner issued a Direct Action charging Fox with Conduct Unbecoming and Neglect of Duty. Fox was sanctioned with dismissal, but resigned before he could be terminated.

As stated, all of Fox’s posts touch on matters of public concern. The question is whether “the interests of both [Fox] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest outweighs Fox’s and the public’s. Many of Fox’s posts endorse violence against Muslims. For example, he twice shared the same image of a woman in a burqa. In the first post, he asks, “When is open season on these fuckers?” Two weeks later, Fox shared a cropped version of the image, so viewers could only see the woman in the burqa, with the caption “Got some new targets for range day!” Just before sharing those posts, Fox shared that he was “teaching [his] dogs to start Pissing [sic] on Muslims. That’s a start.” About a month after all that, Fox posted a “great joke” he had “heard,” that the “Best Muslim” is “A Dead One.” Violent language like Fox’s, when directed against those whom the police are meant to protect—even if delivered in jest—is likely to disrupt the efficient operation of the PPD. *See Locurto*, 447 F.3d at 179 (finding likely disruption where police officers’ speech expressed bias against groups in the community); *Fenico*, 70 F.4th at 167 (citing *Locurto* for same). Indeed, the likelihood of this kind of disruption was validated when Muslim and Black leaders expressed their concerns about members of the PPD speaking in such a way. Fox also admitted in his deposition that, if

he were called to testify in a case with a Muslim defendant, “the[] [jury] would believe that [he] was some sort of racist” based on his posts, and thus his credibility would be brought into question.

The City has demonstrated that Fox’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs Fox’s and the public’s interest in his posts, Fox’s posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on Fox’s retaliation claim.

j. Thomas Gack

Officer Gack began working for the PPD in 1993. At the Internal Affairs interview, Gack was shown thirty-two posts and comments from the Plain View database, of which he initialed each. He admitted that he maintained a Facebook account under the name “Tom Gack.”

Gack was sanctioned for twenty posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Six concerned Islam and Muslims:



Tom Gack

December 7, 2013 ·

...

Remember this is the religion if peace according to Obama!!!



AMERICANOVERLOOK.COM

Muslims Throw Girl Out 3-Story Window for Dating Christian Man

CLICK the image above to read the full story on AmericanOverlook.com.

Share

 **Tom Gack** shared a [link](#). •••

December 14, 2013 · 



YOUTUBE.COM

Muslims Say They Will Make Rape Legal On White Women When They Take Over Europe!!

 Share



Tom Gack shared Uncle Sam's Misguided Children's photo.

March 30, 2016 · *

...



Uncle Sam's Misguided Children

March 30, 2016 · *

Like Page

Follow ➤ FB.Com/UncleSamsChildren

Share



3



Tom Gack

November 17, 2015 · Philadelphia, PA · ④

...

So let me get this straight.....Gov Wolf will be allowing Islamic refugees into Pa!?!?!!? The 3 locations in Philadelphia will be 5401 Rising Sun av, 21 and Arch, 12 and Arch! 12 and Arch.....Convention Center and Criminal Justice Center only a block away!!!! A lot of people in court everyday!!! A lot of conventions in the center each month!!!! 21 and Arch middle of Center City.....main Septa and CSX hub at 30th St a few blocks away!!!! 5401 Rising Sun Northeast Philly....access to Rising a Sun Plaza, blocks away from Roosevelt Mall and short drive access to Cheltenham Mall!!!! Anyone else see a problem with where Obama and Wolf want to put these terrorists????

Share

13

5 Shares



[REDACTED] Move out of the City Tommy!!! Stay safe

2y

1



Tom Gack He will be putting them in Scranton too!!! Stay safe up there!!

2y · Edited



[REDACTED] I'm locked and loaded up here... A lot of rednecks are waiting up here!

2y

1



[REDACTED] It's an absolute disgrace!! This country is in trouble and we are all screwed.

2y



Tom Gack Lock and load Jason, lock and load!!!

2y



[REDACTED] Always brother! Like the American Express card, don't leave home without it

2y

1



[REDACTED] No in Texas, but if they get into one state they can move anywhere they want

2y

1



Tom Gack That's the problem Mark!!! They already lost track of 5 in New Orleans already!!!

2y



[REDACTED] Yep bring on another 100k

2y

 **Tom Gack** •
June 21, 2016 • 

First President Oblunder bows to muslim princes.....now the Pope washes and kisses muslim feet!!!! This is what socialists do.....pander to the evil that wants to kill you!!!!



OVERPASSESFORAMERICA.COM
POPE FRANCIS WASHING MUSLIM'S FEET TO 'BRING PEACE'
#o4a #religion #RT

 Share

 2

 [REDACTED] Not my pope...bring back John Paul II  1
1y

 **Tom Gack** shared Uncle Sam's Misguided Children's photo. ***
June 11, 2016 ·



Happy Ramadan

Uncle Sam's Misguided Children is with [REDACTED]
June 10, 2016 · *

 Like Page

Happy ramadandingdong

Like & Share → FB.Com/UncleSamsMisguidedChildren.Net

#USMC #Veteran #grunt #Marine #News #SecondAmendment #Constitution #Oath

 Share

 4

One dealt with transgender individuals using gender-conforming restrooms:

 **Tom Gack** shared Uncle Sam's Misguided Children's photo. ***
February 28, 2017 ·

IF YOU BELONG IN THIS BATHROOM

 MEN

AND YOU FOLLOW MY DAUGHTER OR MY WIFE INTO THIS BATHROOM

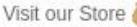
 WOMEN

YOU'RE GONNA NEED THIS BATHROOM



Uncle Sam's Misguided Children is with [REDACTED]
February 28, 2017 · *

Like Page

Visit our Store  <https://goo.gl/hwYo7B> 
Use code USMCNATION10 for 10% off
Support Veteran Owned Company 
Use code USMCNATION10 for 10% off
Share & Follow ...
[See More](#)

 Like  Comment  Share

 1

One dealt with armed self-defense:

 **Tom Gack** shared Legally Armed And Proud Of It's photo. ...
May 31, 2014 · 

You might break in,

but you ain't walkin' out!

Legally Armed And Proud Of It
May 30, 2014 · 

 Like Page

 Share

 4

Four concerned child molesters:

 Tom Gack shared Extremely Pissed off RIGHT Wingers 2's photo. · ...
December 13, 2013 · 

SHARE THIS!

UNITED STATES

**0
3
7
6**

KILL THEM ALL

**BAG LIMIT
NONE**

Shoot On Sight

facebook.com/ExtremelyPissedOffRightWingers2

**CHILD MOLESTER
HUNTING PERMIT 2013**

RIFLES/HANDGUNS: .223 CALIBER OR LARGER
SHOTGUNS: B/BB OR LARGER. NO BIRDSHOT

EXTREMELY PISSED OFF RIGHT WINGERS

Extremely Pissed off RIGHT Wingers 2
December 12, 2013 · *

DOGS

 Share

 Like Page

Tom Gack shared Right Wing News's photo. ...

May 21, 2015 ·

**SHARE
IF YOU FEEL THAT ONE OF
THESE**



**IS A BETTER AND CHEAPER
SOLUTION THAN**



ONE OF THESE

FOR CONVICTED CHILD MOLESTERS

Right Wing News Like Page

July 11, 2014 ·

Share

3



Tom Gack via Political Correctness Gone Wild

...

June 1, 2015 ·

Arrested for 29th time!!!! This POS needs to be beaten to death by the families of his victims!!!



RIGHTWINGNEWS.COM

Serial Child Molester Arrested for the 29th Time, But His Mother Claims He's Just Wife-Hunting

Share

3



Tom Gack via God, Guns, Freedom and the American Way

...

June 3, 2015 ·

And that POS Professor from Rutgers says this normal?!?!?!? Give this guy over to the parents of these two boys!!!!



THREEPERCENTERNATION.COM | BY EMMANUEL GOL...

Man with history of child sex offenses, found in ca

Police catch pedophile in car with 2 terrified young ...

Share

2



I'll second that

2y

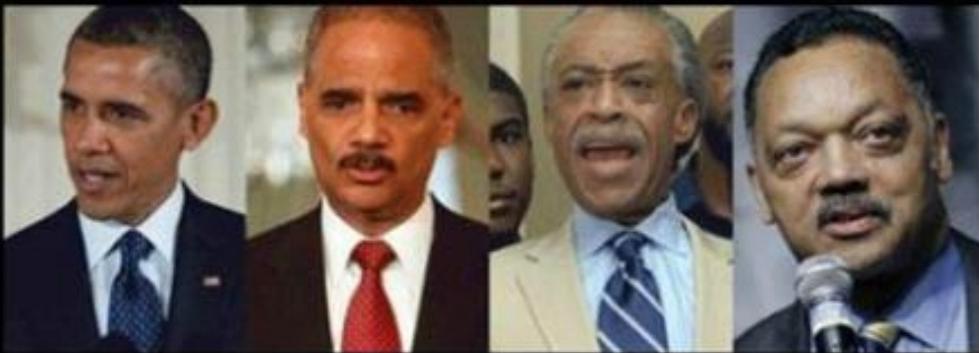
Three posts dealt with race and the Black Lives Matter movement:

 Tom Gack shared Nation In Distress's photo. ...

August 9, 2015 · 

 LIKE US ON
FACEBOOK/
NATION IN
DISTRESS

THUGS



THESE FOUR RACE BAITERS HAVE DONE MORE TO HURT
BLACK PEOPLE THAN ANY WHITE PERSON EVER COULD
**THEY HAVE SET RACE RELATIONS
BACK 50 YEARS**

 /NationInDistress

Nation In Distress  Like Page

August 9, 2015 · *

RE-POST THE TRUTH! ~ACE DOG][]][%
Nation In Distress

 Share

 5

 **Tom Gack** shared a link.
August 12, 2015 · 



MADPATRIOTS.COM
It's Time To Call The Black Lives Matter People What They Are:
Terrorists! | Mad Patriots

 Share

 2

3 Shares

 Tom Gack shared Political Correctness Gone Wild's photo. ...

February 23, 2016 · 



Thuggies™
F-J-P.com

Political Correctness Gone Wild is with [REDACTED]
February 22, 2016 · *

 Like Page

#Thuggies

 Share

 2

One was a meme comparing Obama voters to chimpanzees holding their hand out in expectation:

 Tom Gack shared Repeal It Now's photo. ...

May 18, 2015 · 



Repeal It Now

May 18, 2015 · 

 Share

 Like Page

 3

One was a joke about Hillary Clinton, told at the expense of Mexicans:



Three dealt with the use of force against protestors, Antifa, and criminal suspects and defendants:

 **Tom Gack**
January 18, 2017 · Philadelphia, PA ·

When you are wanted for 2 murders and are armed with these weapons.....you shouldn't whine to the press about being beat up after resisting arrest!!! You should be thanking God you are still alive!!! Way to go @Orlando Police!!!

45° 7:15 PM

X **Orlando PD Provides Det...** SHARE :



 **Orlando Police** 
@OrlandoPolice 

Markeith Loyd was wearing body armor when he was apprehended. And had these guns in his possession.

8:40 PM - 17 Jan 2017

 Like  Comment  Share

 15

2 Shares



Tom Gack shared Prepare to Take America Back's photo.

January 21, 2017 ·

...

HOW TO HANDLE PROTESTERS



Prepare to Take America Back

January 20, 2017 · *

Like Page

Prepare to Take America Back

Like

Comment

Share



9

 Tom Gack shared Michael Savage-Fan Made Page's video. ...

September 19, 2017 · 

Hey Mayor Kenney! This is how police are suppose to deal with the domestic terrorists, AntiFa!!!

ATTENTION U.S. LAW ENFORCEMENT




THIS IS HOW SPANISH POLICE DEAL WITH ANTIFA TERRORISTS

1,888,023 Views

Michael Savage-Fan Made Page added a new video.
September 11, 2017 · 

Follow us  --> Michael Savage-Fan Made Page <-- 

 Like  Comment  Share

 4

 **Brion Michael** This! Is! Sparta!!

Like · Reply · 26w

After the Internal Affairs interview, the District Attorney’s Office issued Gack a *Giglio* letter which described his posts as exhibiting “multiple forms of racial, religious, and” anti-LGBTQ bias. The Outside Counsel Report described Gack’s posts as likely to “have a significant impact on policing based on several posts that advocate vigilante-style violence against people accused of crimes, referring to African Americans as thugs, as well as a number of anti-Muslim comments and anti-LGBTQ comments.” After the investigation terminated, Gack was charged with Conduct Unbecoming and Neglect of Duty and sanctioned with dismissal.

As stated, all of Gack’s posts touch on matters of public concern. The question is whether “the interests of both [Gack] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, Gack’s and the public’s interests are outweighed by the City’s. Several of Gack’s posts express his approval of vigilante violence and suggest a bias against Muslims, which mean that he could be effectively discredited at almost any trial in which the District Attorney’s Office needed to call him as a witness. Second, Gack’s posts about race (*e.g.*, the “Thuggies™” meme), religion (*e.g.*, the “Happy Ramadan” meme), and sexuality (*e.g.*, the transgender bathroom meme) could undermine the PPD’s relationship with members of the communities those posts address. *Munroe*, 805 F.3d at 474 (“[I]nvective directed against the very persons that the governmental agency is meant to serve could be expected to have serious consequences for the performance of the speaker’s duties and the agency’s regular operations.”). Finally, Gack’s comments advocating for extrajudicial violence against criminals, such as “this POS needs to be

beaten to death by the families of his victims,” also “advocate violence to certain classes of people” and therefore have a high “potential . . . to diminish the [PPD’s]” reputation with the public. *Grutzmacher*, 851 F.3d at 347.

The City has demonstrated that Gack’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs Gack’s and the public’s interest in his posts, Gack’s posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on Gack’s retaliation claim.

k. Tanya Grandizio

Corporal Grandizio began working for the PPD in 1995. At the Internal Affairs Interview, she was shown fourteen posts from the Plain View database, all of which she initialed. She does not deny having made the posts in question.

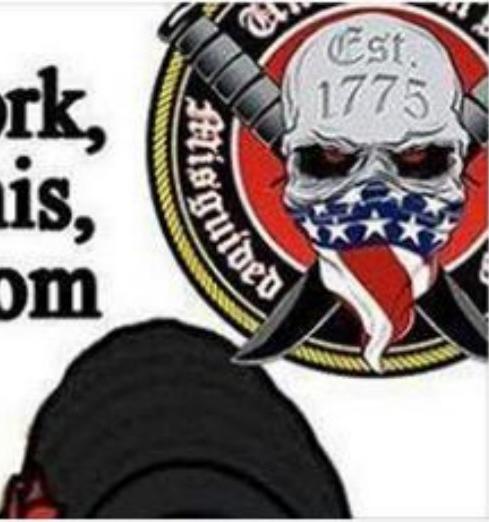
Grandizio was sanctioned for six posts; two posts consisted of the same graphic which Grandizio posted twice. As determined in Section IV.B *supra*, each of her posts dealt with a matter of public concern.

All of the posts expressed sentiments about Islam and Muslims:

 **Tanya Grandizio** shared a link. ...

September 22, 2015 · 

 **Conservative Post** Yesterday at 2:52pm · 


Muslims hate pork, beer, dogs, bikinis, Jesus, and freedom of speech.
My question is,

CONSERVATIVEPOST.COM
Member of School Board Asks Muslims 1 Simple Question... She Risks Her Career

 Share

 3

5 Shares

 **Tanya Grandizio**
September 21, 2016 · Liftable Media Network · 

And this is going on right now!



CONSERVATIVETRIBUNE.COM
Here's The Disgusting Thing Muslims Did To Male Slaves... Be Warned, This Is Graphic

 Share

  5

 [REDACTED] I can't imagine this happening today. I will be researching this...  1
1y

 **Tanya Grandizio** Please do.  1
1y

Tanya Grandizio
March 14, 2016 ·

JUDAISM
Leave Us Alone
We Leave You Alone

CHRISTIANITY
Leave Us Alone
We Leave You Alone

HINDUISM
Leave Us Alone
We Leave You Alone

ISLAM
Leave Us Alone
We'll Kill You Anyway

Islam is the ONLY religion that continues to call for the subjugation and death of anyone who isn't Muslim.

Share

1 Share

...stuff like this...pushes us further apart... 2y

2y

Johnald Trump McLaughlin Funny but true. . 1 2y

Ken Lay Be prepared. 2y



Tanya Grandizio

November 27, 2015 · ②

...

I copied this from someone else and every word is true....Can a Muslim be a good American? This question was forwarded to a friend who worked in Saudi Arabia for 20 years. The following is his reply:

Theologically - no, because his allegiance is to Allah.

Religiously - no, because no other religion is accepted by His Allah except Islam (Qur'an 2:256).

Scripturally - no, because his allegiance is to the five Pillars of Islam and the Qur'an.

Geographically - no, because his allegiance is to Mecca, to which he turns in prayer five times a day.

Socially - no, because his allegiance to Islam forbids him to make friends with Christians or Jews.

Politically - no, because he must submit to the mullahs (spiritual leaders) who teach the annihilation of Israel and the destruction of America, the great Satan.

Domestically - no, because he is instructed to marry four Women and beat his wife when she disobeys him (Qur'an 4:34).

Intellectually - no, because he cannot accept the Americann Constitution since it is based on Biblical principles and he believes the Bible to be corrupt.

Philosophically - no, because Islam, Muhammad, and the Qur'an does not allow freedom of religion and expression. Democracy and Islam cannot co-exist! Every Muslim government is either dictatorial or autocratic.

Spiritually - no, because when we declare 'one nation under God,' we are referring to the Christian's God and not Allah.

Therefore, after much study and deliberation, perhaps we should be very suspicious of ALL MUSLIMS in this country. They obviously cannot be both 'good' Muslims and good Americans/Canadians; they cannot and will not integrate into the great melting pot of America.

The religious war is bigger than we know or understand. Muslims everywhere have said they will destroy us from within.

And it appears to be starting.



4

2 Comments 3 Shares

Share



This is sad. As a Christian, a follower of Jesus Christ & not a fan, we can not condemn those who do not believe in our faith. We must continue to pray for their deliverence. Our focus continues to be on doing what Jesus teaches us to do.



1

2y · Edited



Well said!



1

2y

Tanya Grandizio shared [REDACTED]'s post. ...

November 30, 2015 ·

CAN YOU CONNECT THE DOTS?

LOCATION	TERRORIST'S RELIGION	GUN FREE ZONE ?	CASUALTIES
FT. HOOD	MUSLIM		13 DEAD 33 INJURED
BOSTON	MUSLIM		5 DEAD 280 INJURED
PARIS	MUSLIM		136 DEAD 352 INJURED
MADRID	MUSLIM		191 DEAD 2050 INJURED
SYDNEY	MUSLIM		3 DEAD 4 INJURED
CHATTO-NOOGA	MUSLIM		6 DEAD 2 INJURED

(c) India Golt

[REDACTED] November 29, 2015 ·

Follow

It's not rocket science. It's common sense.

Share

3

Tanya Grandizio June 14, 2016 · 6

CAN YOU CONNECT THE DOTS?

POLITICALCORRECTNESS
GROUP

LOCATION	TERRORIST'S RELIGION	GUN FREE ZONE ?	CASUALTIES
FT. HOOD	MUSLIM	✓	13 DEAD 33 INJURED
BOSTON	MUSLIM	✓	5 DEAD 280 INJURED
PARIS	MUSLIM	✓	136 DEAD 352 INJURED
MADRID	MUSLIM	✓	191 DEAD 2050 INJURED
SYDNEY	MUSLIM	✓	3 DEAD 4 INJURED
CHATTO-NOOGA	MUSLIM	✓	6 DEAD 2 INJURED

(c) India Gof

Share

4

1 Share

[REDACTED] What did the Christian do to your ancestors please speak on that and stop focusing on a religion that's being used to hide behind to do evil

1y

Tanya Grandizio [REDACTED] I can't and won't speak to what Christianity has done to our ancestors. I wasn't there. I do know that Christianity has been a comfort to my grandparents, my parents as well as myself. As my husband and I are passing our love for Christianity on to our children. What I do see is how Islam has been perverted and not many followers of Islam are trying to fix it.

1y · Edited

[REDACTED] Not true, but you're entitled to your opinion. Stay conservative and I hope you get what you need from that Donald Trump!... Who's ignorant arrogant obnoxious illiterate racist and any other agitated I can think of ... Oh and entitle!!!

1y

Tanya Grandizio 😂😂😂😂.

1y

Tanya Grandizio Okay then you explain what the Christian did to my ancestors?

1y

[REDACTED] You still my girl 😊

1y

Tanya Grandizio Thanks [REDACTED]. 😊

1y

Tanya Grandizio PS Donald Trump was not my choice.

1y

[REDACTED] I know but you're loyal to the party of Reagan

1y

After the interview, the District Attorney’s Office issued Grandizio a *Giglio* letter stating that her posts exhibited “anti-Muslim bias.” The Outside Counsel Report described Grandizio’s posts as likely to “have a somewhat significant impact on policing because they contain a number of anti-Muslim comments.” After the investigation concluded, the Commissioner issued a Direct Action charging Grandizio with Conduct Unbecoming and Neglect of Duty. She was sanctioned with a thirty-day suspension.

As stated, all of Grandizio’s posts touch on matters of public concern. The question is whether “the interests of both [Grandizio] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest is weightier. All of Grandizio’s posts concern her views on Islam and Muslims—for example, her belief that “a Muslim” person can never “be a good American.” A reasonable citizen reading Grandizio’s comments could conclude that she harbors bias against Muslims; for that reason, her posts could impair the “relationship of trust” between the Muslim community and the PPD that the agency relies on to do its job efficiently and effectively. *Locurto*, 447 F.3d at 183. Indeed, under one of Grandizio’s posts, another Facebook user expressed this very concern, writing “stuff like this . . . pushes us further apart.” And it was posts like Grandizio’s that, according to Deputy Commissioner Wimberly, led a group representing the “Islamic community here in Philadelphia” to meet specifically with PPD and/or City leadership to “share[] their concerns of how . . . police will treat them as people” based on the posts’ expressed viewpoints about Muslims. On top of that, because of these posts, Grandizio’s credibility is in jeopardy in any trial where she is called to testify against a Muslim

person, as the District Attorney's Office recognized in issuing her a *Giglio* letter.

The City has demonstrated that Grandizio's posts were likely to cause significant interference with the PPD's operations. Because the City's interest in preventing this disruption outweighs Grandizio's and the public's interest in her posts, Grandizio's posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on Grandizio's retaliation claim.

1. Steven Hartzell

Officer Hartzell began working for the PPD in 1993. At the Internal Affairs Interview, Hartzell was shown 37 posts and comments from the Plain View database, all of which he initialed. He does not deny having made the posts.

Hartzell was disciplined for seven posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Three involve news reports of people being shot, either by police or by other members of the public:

 **Bob Bannan**
September 30, 2015 · 

Never bring an imaginary gun to a gunfight.



CONTROVERSIALTIMES.COM
Protesters Said this Cop Shot an Unarmed Teen for No Reason. Here's the Video.

11 7 Comments 28 Shares

 Share

 [REDACTED] Good shooting...Plain and simple. ...
2y  2

 [REDACTED] The teen was armed. With stupidity.  4
2y · Edited

 [REDACTED] Close enough ... Need a reason to loot  3
2y

 **Steven Hartzell** Good shooting POS IS RESPONSIBIL FOR his own demise
2y  2

 [REDACTED] Looks like he didn't get the hands up don't shoot memo.
2y  3

 [REDACTED] GOOD SHOOT
2y

 [REDACTED] Are we all forgetting without that video or witness this entire thing would had a headline of police officer shoots unarmed black teen...reality just saying!!!
2y

 **Steven Hartzell** •••

February 10, 2017 · 

He died of led Poisoning led poison lol



CONTENT.JWPLATFORM.COM

Curtis Deal Shooting

Baltimore PD shooting of Curtis Deal

 Like  Comment  Share

Steven Hartzell
November 16, 2016 · 6abc ·

Way to go good Citizen. #customers.lives.matter



6ABC.COM

Customer shoots robbery suspects in Bucks Co.; 1 dead
One robbery suspect is dead and another hospitalized after police say a...

16 21 Comments

Like Comment Share

[REDACTED] I hope the gun was legal
Like · Reply · 1y

Steven Hartzell Who the customer or the dead dirt bag? You mean permit or in the country?
Like · Reply · 1y

[REDACTED] permit
Like · Reply · 1y

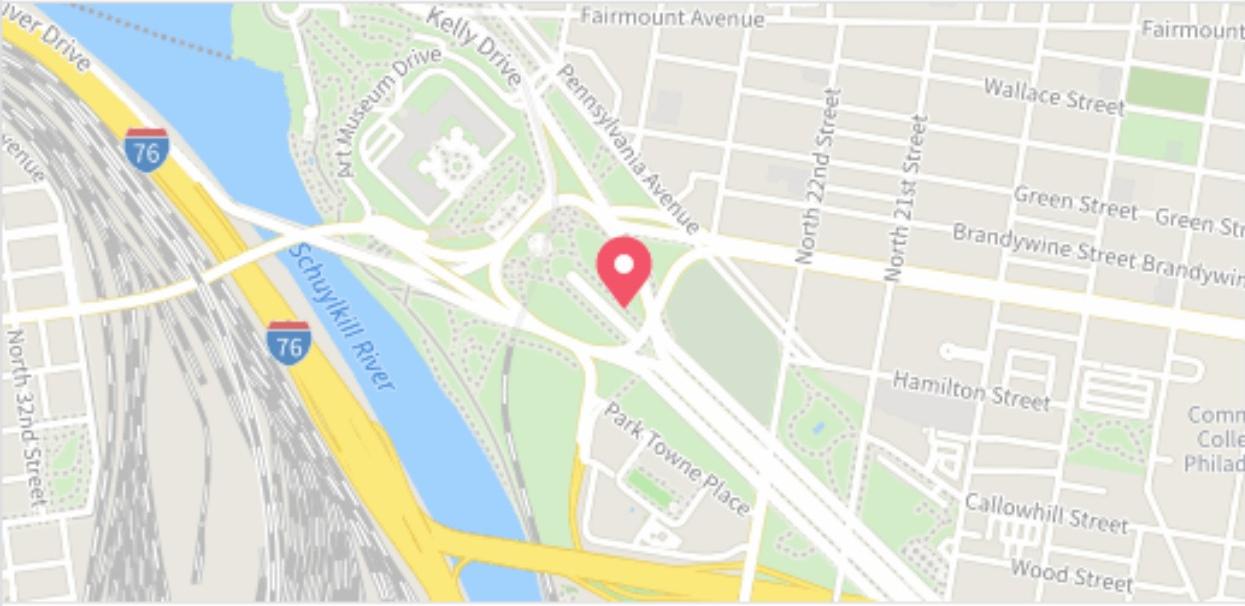
Steven Hartzell #2ndamendment. 1
Like · Reply · 1y

Three involved news and events in Philadelphia:

 Steven Hartzell is at Made In America Festival.

September 6, 2015 · Philadelphia, PA ·

Still quite only a few Rap tarders.



 **Made In America Festival**
Performance & Event Venue · Philadelphia, PA
Andrew W. Chung has been here Save

 4 2 Comments

 Share

 [REDACTED] Get your jam on  1
2y

 [REDACTED] What time is the klezmer?  1
2y

 Wayne Preston is with Tommy O'Schaf and Brion Michael. •••
January 21, 2016 · 

WHAT THE HELL IS THIS?



PHILLY.COM
City Council backs recognizing two Muslim holidays
Philadelphia City Council on Thursday called on the city and the school district to officially recognize two Muslim holidays, which would give students and...

 1 8 Comments 11 Shares

 Share

 [REDACTED] Another slap in the face to police and a slap in the face to every other religion, race etc. It never ends.  4
2y

 Wayne Preston Wow no other word
2y

 Lee Indiana It's a gigantic pile of shit , wait were you asking what city council is , regardless my description is the same for both  2
2y

 Tommy O'Schaf What the fuck is this horseshit?? Jones needs to go drown himself!! What a fuckin slap in the face to police as well as Christians !!! They have been taking God out of our schools now they want to celebrate pure fucking Evil??? The City of Philadelphia is a fucking toilet!! FUCK. This enrages me.  3
2y · Edited

 Wayne Preston I agree living in Burbs is great Fuck the city •••  1
2y

 [REDACTED] Shocker
2y

 Joseph Iacuzio Tommy. If the city makes it a holiday thats two more holidays they have to pay us for.  1
2y

 Steven Hartzell Asa Lakim. No way
2y

 **Steven Hartzell** January 2, 2017 · 

JUST REALIZED HOW AWESOME PHILLY SUGAR TAX IS. IT FUNDS UNIVERSAL PRE K, ENCOURAGING HOOD RATS TO PRODUCE MORE OFFSPRINGS SO THEY CAN SPEND EVEN LESS TIME WITH THEM.

 19 31 Comments

 Like  Comment  Share

 [REDACTED] All bullshit. That's what they sold us on education. Not the case pal. They are creating a FUND ...
Like · Reply · 1y

 [REDACTED] Let the loser mom's sleep in
Like · Reply · 1y  1

 **Steven Hartzell** [REDACTED] UDUGH READ MY SARCASM SLOWEEEEEEERRR SO IT SINKS IN LOL
Like · Reply · 1y  1

 [REDACTED] Lol ... Happy new year  2
Like · Reply · 1y · Edited

And the last involved immigration by Muslims:

Brion Michael
March 23, 2016 ·

How do you liberals feel knowing your political correctness is allowing innocent people to get butchered? Those "no go zones" in Europe the cops will not enter used to be called Muslim slums, now they're referred to as Islamic colonies. It's not so bad here yet, but you fucking liberals better get out of the way.

41 6 Comments

Share

[REDACTED] Liberalism is a mental disorder. 6
2y

Brion Michael With no treatment. Put them to sleep 2
2y

[REDACTED] I swear to God, I hope there is a civil war so we can separate ourselves from them. My dad and I talk about it all the time. The conservative regions would thrive and flourish, the liberal regions? Well just look at Chicago... 2
2y

[REDACTED] The sidewalk cafe leftists don't like them over there. I talked to a few in 2010 & 2015. The Dutch are waking up. 2
2y

Steven Hartzell Nuke em all 2
2y

The Outside Counsel Report found that these seven posts had the potential to cause a “significant impact on policing due to several posts that advocate vigilante-style violence, as well as posts that are anti-Muslim, a post that refers to citizens of Philadelphia as ‘hood rats’ and one which . . . is pejorative to people with disabilities and, potentially, African Americans.” After the Internal Affairs interview, the Commissioner issued a Direct Action charging Hartzell with Conduct Unbecoming and Neglect of Duty. Hartzell was dismissed from the PPD, but resigned before his dismissal became effective.

As stated, all of Hartzell’s posts touch on matters of public concern. The question is whether “the interests of both [Hartzell] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, Hartzell’s posts are likely to cause significant disruption to the PPD’s effective operation, such that the City’s interest is weightier. The posts—which included a call to “nuke” Muslim neighborhoods,” and generally celebrated the death of suspects at the hands of police—are likely to erode trust between the PPD and Philadelphia’s citizens, especially its Muslim community. *See Munroe*, 805 F.3d at 474 (“[I]nvective directed against the very persons that the governmental agency is meant to serve could be expected to have serious consequences for the performance of the speaker’s duties and the agency’s regular operations.”); *see also Grutzmacher*, 851 F.3d at 347 (speech that “advocat[ed] violence to certain classes of people” was likely to disrupt a fire department’s operations because it had the “potential . . . to diminish the [d]epartment’s standing with the public”). And because of posts like these, Hartzell’s credibility is likely to be challenged in any case where he testifies as a witness against a Muslim person, regardless of whether or not the District Attorney’s Office issued him a *Giglio* letter.

The City has demonstrated that Hartzell’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs Hartzell’s and the public’s interest in his posts, Hartzell’s posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on Hartzell’s retaliation claim.

m. Edward McCammitt

Officer McCammitt began working for the PPD in 1986. At the Internal Affairs

Interview, he was shown twenty-six posts and comments which were attributed to him in the Plain View database, and he initialed each. He does not deny making any of them.

McCammitt was sanctioned for ten posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Three are memes about Muslims and/or Muslim immigration:

Ed McCammitt shared Red White Blue News's photo. ...
November 17, 2015 · 

KNOCK KNOCK



We're your new NEIGHBORS.

Red White Blue News  Like Page
November 15, 2015 · 

 Share

 2
[REDACTED] No, they are my new fertilizer.
2y

 Wow, how dumb? This fool brought a Knife to a Gun fight  1
2y

 Ed McCammitt What if you live in a gun free zone
Haha
2y

 When the Zombies or the Muslims attack my neighborhood they'll learn what Gun Free Zone really means.  1
2y

 Ed McCammitt Do all zombies vote democrat ?I wonder
2y · Edited



Ed McCammitt shared [REDACTED]'s post.

December 16, 2015 ·

...

**MY WIFE CALLED ME A
PAEDOPHILE**



**THATS A BIG WORD FOR A 9
YEAR OLD**

[REDACTED]
December 14, 2015 ·

Share

3

Ed McCammitt
February 16, 2017 ·

The post features two side-by-side images. The top image shows a crowd of people, some holding flags and others with their hands raised, with the text "MUSLIMS: 'DEATH TO AMERICA!'". The bottom image shows a crowd of people, some holding signs that read "LET THEM IN" and "RACISM RATINGS", with the text "AMERICAN LIBERALS: 'LET THEM IN!'".

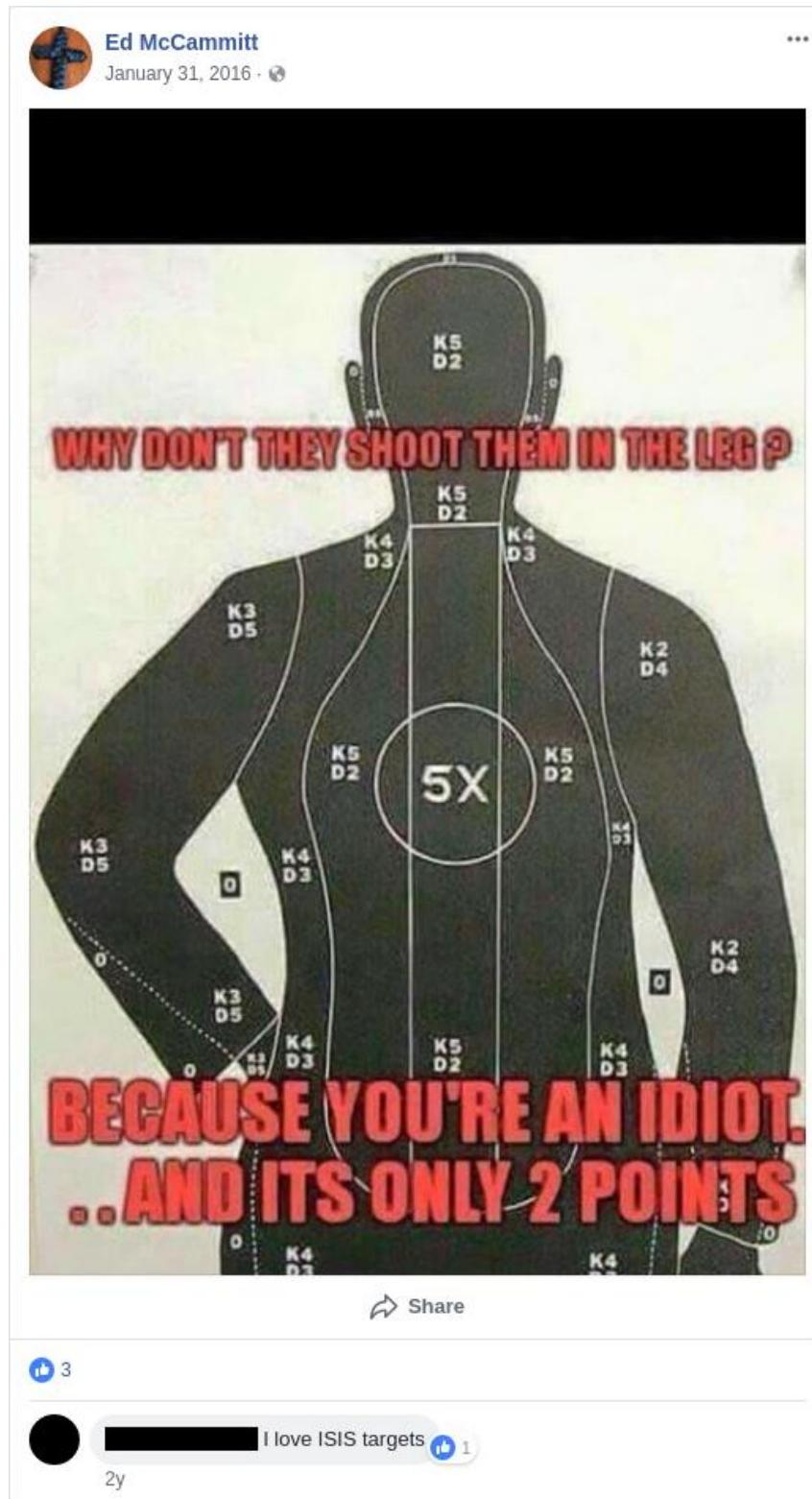
Like Comment Share

2 Shares

Stupid americans

Like · Reply · 1y

Two are memes about use of force by police:





Ed McCammitt

April 5, 2016 ·

...

**YOU HAD ME AT
“WE’LL MAKE IT
@REBEL CIRCUS
LOOK LIKE AN
ACCIDENT”**

Share

10

Two are memes about gender identity:





And three are memes involving violence against protestors:

Ed McCammitt · May 7, 2017 · [...](#)

The image consists of two photographs. The top photograph shows a woman with her mouth wide open, shouting or cheering, with her arm raised. She has a tattoo on her neck and is wearing a white tank top with 'Earth First!' printed on it. The bottom photograph shows a street with several black and yellow speed bumps. The text 'HOW PROTESTERS SEE THEMSELVES' is overlaid on the top photo, and 'HOW I SEE THEM' is overlaid on the bottom photo.

Like Comment Share

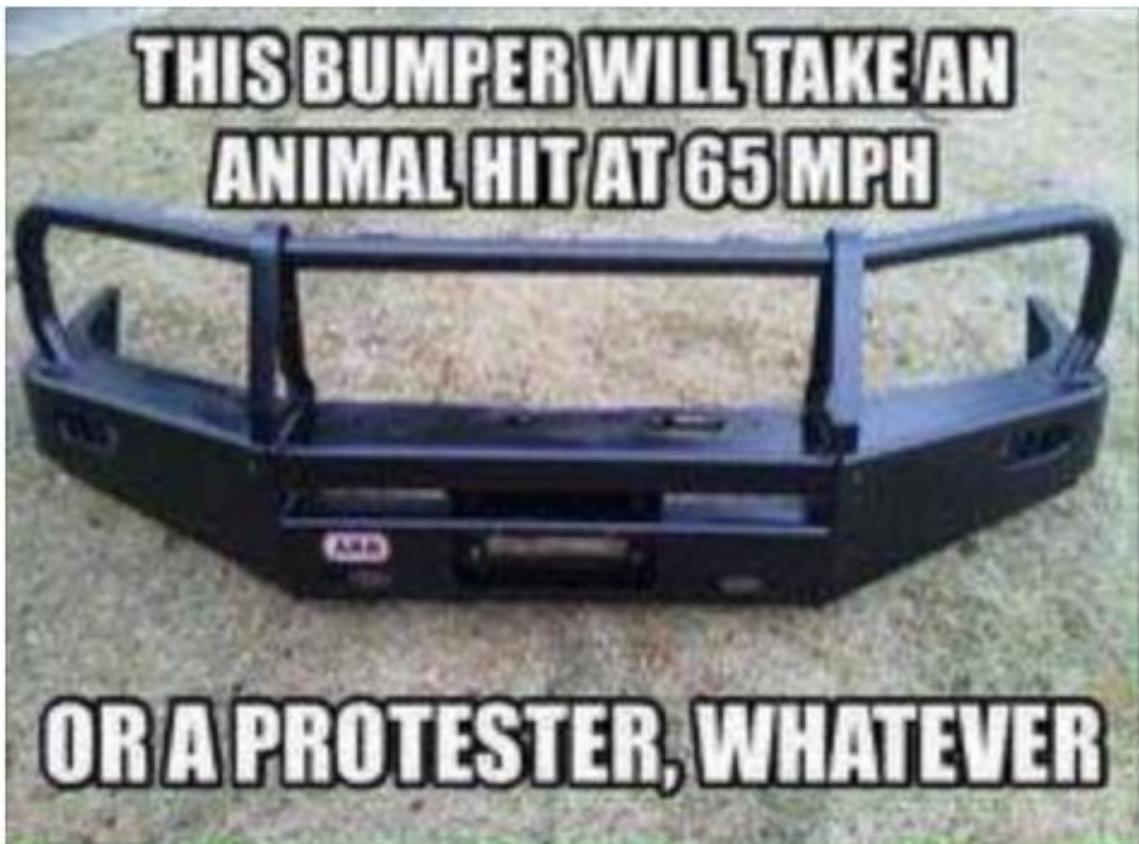
10 Shares



Ed McCammitt

July 28, 2017 ·

...



Like

Comment

Share



Hahaha my truck fits in this category, it's been proven it works too. That deer knew exactly what hit him. Lol

Like · Reply · 34w

so did that person loll

Like · Reply · 34w



The Outside Counsel Report concluded that these posts “likely would have a significant impact on policing because they advocate vigilante violence and excessive force by police against protestors, as well as containing anti-Muslim and anti-LGBTQ statements.” After the Internal Affairs interview, the investigator charged McCammitt with Conduct Unbecoming and Neglect of Duty. McCammitt retired a few days later.

As stated, all of McCammitt’s posts touch on matters of public concern. The question is

whether “the interests of both [McCammitt] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest is weightier. Speech like McCammitt’s—which glorifies violence against protestors (including, specifically, transgender protestors), advocates for the use of lethal force in situations where it may not be necessary (as expressed in the shooting range target meme), and suggests a bias against Muslim immigrants—is likely to inflame the public, infringing on the PPD’s ability to maintain an effective and efficient working relationship with those whom it is meant to serve. *Munroe*, 805 F.3d at 474 (“[I]nvective directed against the very persons that the governmental agency is meant to serve could be expected to have serious consequences for the performance of the speaker’s duties and the agency’s regular operations.”); see also *Grutzmacher*, 851 F.3d at 347 (speech that “advocat[ed] violence to certain classes of people” was likely to disrupt a fire department’s operations because it had the “potential . . . to diminish the [d]epartment’s standing with the public”). To take just one example, officers are frequently tasked with ensuring the safety of protestors; when one posts a meme expressing that he sees protestors as no more than speed bumps in the roadway, there is an appreciable likelihood that members of the public may doubt that they will be protected if they attend a protest. Police rely on the “relationship of trust between the police . . . and the communities they serve,” *Locurto*, 447 F.3d at 183, and posts like McCammitt’s are likely to disrupt that relationship.

The City has demonstrated that McCammitt’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption

outweighs McCammitt's and the public's interest in his posts, McCammitt's posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on McCammitt's retaliation claim.

n. Raphael McGough

Detective McGough raises a genuine dispute about the meaning of one of his posts. But because the City has demonstrated that its interest in preventing disruption outweighs McGough's interest in speaking even when that dispute is resolved in McGough's favor, the City is entitled to summary judgment on McGough's First Amendment retaliation claim.

Detective McGough began working for the PPD in 2003. At the Internal Affairs interview, McGough was shown thirty-six social media posts and comments from the Plain View database, of which he initialed each. McGough did not deny making any of them.

McGough was disciplined for four posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern:

 Ray McGough
September 16, 2017 · 

Street Justice. One for the good guy I mean girl.



FOX29.COM

Police: Woman finds boyfriend on top of daughter, 12, stabs him

 19 3 Comments

 Like  Comment  Share

 [REDACTED] Exactly! She should of stabbed him 50 more times.
Like · Reply · 41w

 James Snell well done Mom, should have kepy you swinging.
Like · Reply · 41w

 [REDACTED] You should have aimed for the heart!!!
Like · Reply · 41w

Ray McGough shared a post.
December 20, 2017 ·

If they show up at any cops house they should be eliminated.

Breitbart
December 20, 2017 ·

Like Page

Alt-left Antifa extremists have posted the photographs of 54 Berlin policemen online in an attempt to locate their private addresses...



BREITBART.COM

Alt-Left Extremists Post Police Photos Online, Threats, In Revenge For Police Action Against Them

1 Like 8 Comments

Like Comment Share

[REDACTED] just like the KKK and neo nazis and all the MANY other white hate groups!

Like · Reply · 28w

[REDACTED] Ray McGough And all leftists.

Like · Reply · 28w

[REDACTED] Ray McGough you're ridiculous!
So anyone on the left wants to Kill cops! You sound crazy!

Like · Reply · 28w

[REDACTED] Ray McGough Correct. They are the only ones or at least 99.3%.

Like · Reply · 28w

[REDACTED] Ray McGough Imao.....your percentages are wrong just like your spelling!

Like · Reply · 28w

[REDACTED] Ray McGough My % is an exaggeration.

Like · Reply · 28w

[REDACTED] I will be waiting!

Like · Reply · 27w

 James Snell The Police had better start eliminating these terrorists, and I mean permanently.

Like · Reply · 27w

Ray McGough shared a post.
January 2 ·

You reap what you sow.

Breitbart
January 2 ·

Like Page

Black American residents of Baltimore, Maryland, are now blaming a lower police presence for the city's soaring murder rate despite three years of Black Lives Matter (BLM) activists insisting that police be pulled from their neighborhoods...



BREITBART.COM

Baltimore Residents Blaming Murder Increase on Lack of Police After BLM Protesters Demanded Pullback

8 5 Comments

Like Comment Share

[REDACTED] Fuck'em they get what they asked for let the murder rate soar...and then move in heavy and wipe out the trash
Like · Reply · 26w 😂 1

[REDACTED] Yes Virginia.they're really that stupid. You do have to feel sorry for the members of the black community that knew the police were there to protect them....but their voices were never heard. You can blame the Mayor. ..the DABLM and the people that fund that terrorist organization.
Like · Reply · 26w · Edited 2

[REDACTED] You can't have It both ways. 3
Like · Reply · 26w

[REDACTED] First you don't want them there. Now you want them there. Crap, you made your bed (or grave) now lie in it. You people listen to some carpetbagger selling you snake oil and you listen to it. Stupid azz and you gave an amen.
Like · Reply · 26w 1

Joseph Frank Calliguri THE POLICES JOB IS TO [PROTECT US FROM THESE THUGS. PAY NO ATTENTION TO THE THUGS THAT WANT YOU TO LOOK THE OTHER WAY. LOCK THEM UP.
Like · Reply · 25w



Ray McGough shared a post.

September 27, 2017 ·

...

Before you rip people's intellect, please check your grammar.

LeBron James: "If You Voted for Trump You Made a Mistake, At the End of the Day I Don't Think a Lot of People Was Educated"



Women For Trump Movement II: #maga2018

September 27, 2017 ·

Like Page

Was Educated? 😂

How Did LeBron graduate High School w/ a 2.8 GPA ?

This Level of Winning Should Not Even Be Possible, Folks! ❤️

17

14 Comments

Like

Comment

Share



Can say the same thing about the orangutan's grammar! 😊

Like · Reply · 40w

Ray McGough Yes but put something up there. I still chuckle at orangutan.

Like · Reply · 40w

The Outside Counsel Report concluded that these posts “would likely have some impact on policing because they advocate vigilante violence and violence against protestors and suggest racial animus.” After the Internal Affairs interview, McGough’s commanding officer charged him with Neglect of Duty, for which he was given a reprimand. The District Attorney’s Office also issued McGough a *Giglio* letter for making Facebook posts “exhibiting disrespect for the law.”

As stated, all of McGough’s posts touch on matters of public concern. The question is whether “the interests of both [McGough] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the balance tips in favor of the City. In his post about Antifa members in Germany sharing photos of German police officers on the Internet, McGough wrote “If they show up at any cops [sic] house they should be eliminated.” McGough does not argue that the “eliminat[ion]” he calls for in this post should be understood to refer to anything less than the extrajudicial killing of Antifa members. A police officer’s call for a group of people—even political actors that he considers extremists—to be “eliminated” is likely to significantly erode the public’s trust in the police force. *Grutzmacher*, 851 F.3d at 347 (speech that “advocat[ed] violence to certain classes of people” was likely to disrupt a fire department’s operations because it had the “potential . . . to diminish the [d]epartment’s standing with the public”).

Or consider McGough’s comment “Street Justice. One for the good guy I mean girl” atop a post about a woman who purportedly stabbed her boyfriend in order to thwart his attempted assault of her daughter. This celebration of extrajudicial violence, coming from a

police officer, has a high likelihood to erode the “relationship of trust” between the public and the PPD that the agency relies on to do its job efficiently and effectively. *Locurto*, 447 F.3d at 183. And McGough’s *Giglio* letter—which was issued on the grounds that his posts evidenced a “disrespect for the law”—carries the potential to vitiate his credibility in a criminal proceeding during which he may testify, which significantly “impedes the performance of [his] duties” as a police officer. *Rankin*, 483 U.S. at 388.²⁰

The City has demonstrated that McGough’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs McGough’s and the public’s interest in his posts, his posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on McGough’s retaliation claim.

o. Michael Melvin

Sergeant Melvin began working for the PPD in 1995. He was interviewed twice. In the first interview with Internal Affairs, He denied making any posts or comments of an offensive or inflammatory nature. At his second interview, he was shown forty posts contained in the Plain View database and did not deny making any of them.

Melvin was sanctioned for fifteen posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Four concern respect for law enforcement, the military, and the American flag:

²⁰ The Parties disagree about the meaning of McGough’s exchange with a Facebook friend on a post concerning basketball star LeBron James’ political commentary. The City argues that this exchange “evoked a racially insensitive trope by comparing [James] to an orangutan.” McGough counters that the “racially insensitive trope” in question—the word “orangutan”—was meant to refer to President Donald Trump’s tan, not James’ race. This is a genuine dispute, considering that the post is as much about President Trump as it is about James, and considering the ubiquity in 2017 of jokes about the President’s tan. However, the meaning of this post is not material to McGough’s retaliation claim because, whether it is understood to refer to Donald Trump or to highlight the irony of a grammatical error in a critique of the educational level of others, the City’s interest in preventing the actual or likely disruption attributable to McGough’s other posts outweighs his and the public’s interest in the post.



Michael Vincent shared Trevose Fire Company Station 4/84's photo.

...

November 22, 2015 ·

How does someone not only vandalize a grave site but a firemens grave.
Would be just terrible if the Police caught the person in that nice dark cemetery.

If anyone is driving by or around resurrection cemetery. The family of deceased fire fighter George redner could you please drive threw and just check on his gravesite it has been vandalized several times.the directions his mother gave me to his resting place were go threw the gates first right he's right there on the right hand side he has a station 10 shield their. If your not busy swing by just check make sure everything's ok please pass the word on share share share I know I'll swing by on my way to shoprite. You don't even have to get out of the car.

Like

Comment

Share

Trevose Fire Company Station 4/84

November 22, 2015 ·

Like Page

We have confirmed this and would ask that if you know who is vandalizing the grave, please contact Bensalem Police. We are protecting the identity of the person who posted this information. Thank you.

Share

1



Troy Matthew Bring him back to the firehouse I know if that happened at my firehouse we'd love to have a talk with him after

2y



Michael Vincent shared Respecting our Military past and present's photo. •

January 24, 2016 ·



Respecting our Military past and present

January 20, 2016 · *

Like Page

Never Disrespect Our Military
~Patton

Share

4



Michael Vincent shared Police Officers's photo.

...

September 16, 2016 ·

509 citizens have been killed

by cops this year. 484 were

male 25 female. 238 were

white 123 were black. 420 had

known weapons, the rest

unknown. More than half were

mentally ill or on drugs. Almost

all had prior criminal records.

We don't have a race problem

or a cop problem. We have a

MEDIA problem, a drug

problem, a mental illness

problem and an entitled

welfare state breeding thugs

problem.

Police Officers

July 12, 2016 · *

Like Page

Share



4



Michael Vincent via Joe Walsh

...

February 15, 2016 ·

Those little shits need to be smacked in the mouth.



WALSHFREEDOM.COM

Students Post Photo Of Themselves Standing On American Flag,
Flipping The Middle Finger

Share

3

Five are posts sharing news stories about crimes, often with commentary from Melvin:

 **Michael Vincent** ***
December 22, 2015 · 

Unreal...or is it?



BUZZPO.COM
17 Black Gang-Members Arrested Following White Girl Being Burned Alive

 Share

 **Robert Billips** Just sad
2y



Michael Vincent

February 12, 2016 ·

...

Every other story is about the wonderful violent muslims.



JEWSNEWS.CO.IL

Italy: Muslims Destroy and Urinate on Virgin Mary Statue

by Raymond Ibrahim Friday, January 9. A man was kneeling in prayer before...

Share

2



NEVER EVER Trust a muslim. NEVER 1

2y



Nick Cione Nice, but no one will say anything

2y



Michael Vincent Nope, still haven't seen this on the news. 1

2y

 **Michael Vincent** •

February 15, 2016 · 

Beautiful beautiful



JEWSNEWS.CO.IL

ITALY: African Muslim paedophile who attacked a 13-year-old girl gets the crap beat out of him...

 Share

 3

 Michael Vincent ...

September 10, 2017 · 

These two pieces of garbage should be thrown intro a wood chipper.



FOX29.COM

Police to charge brothers in Fairmount murder

 Like  Comment  Share

 3



Michael Vincent shared FOX 12 Oregon's video.

...

November 11, 2016 ·

That's how you move a group of violent cowards.



2,507,472 Views

FOX 12 Oregon added a new video.

November 11, 2016 ·

Like Page

Crowds at the riots in downtown Portland scattered after Portland Police Bureau officers deployed "less lethal munitions." kptv.tv/2fGMj6Y

Like

Comment

Share

8



The era of whining is over!

Like · Reply · 1y

And the last six are memes making jokes or warning their reader about a variety of groups and individuals:

 **Michael Vincent** shared Conservatives Today's photo. ...
March 2, 2016 ·

Hahaha

I spent half an hour trying to talk with them, wanting to learn about their culture



until the bartender cut me off and told me they were patio umbrellas.

Conservatives Today
March 2, 2016 ·

 Like Page

 Share

 5

Michael Vincent shared Scott Baio's photo. ...

March 24, 2017 ·

If a fox came to your home,
would you put him in your chicken coop
hoping he would integrate?



...Didn't think so...
Stop the invasion of Islam to the free world!

Scott Baio

March 23, 2017 · *

Like Comment Share

2



Michael Vincent shared [REDACTED]'s photo. ...

April 27, 2016 ·

WRONG BATHROOM

**MY DAUGHTER WILL BE
DONE IN A MIN...**

[REDACTED] updated his cover photo.

April 22, 2016 ·

Share

3

Michael Vincent shared The Three Percenter's Club's photo. · ...
October 26, 2016 ·

MEXICAN WORD OF THE DAY: BISHOP

CAN SOMEONE PLEASE SHUT THIS BISHOP?!

The Three Percenter's Club
October 12, 2015 ·

Like Page

Like Comment Share

5

Lmao

Like · Reply · 1y

Michael Vincent shared American Warrior Revolution's photo.

March 22, 2017 ·

...

**WHITE IRISH SLAVES WERE TREATED WORSE
THAN ANY OTHER RACE IN THE US.**

**WHEN WAS THE LAST TIME YOU HEARD AN
IRISHMAN BITCHING HOW THE WORLD OWES
THEM A LIVING?**



**You Won't...
The Irish are not pussies
looking for free shit...**

American Warrior Revolution

March 21, 2017 ·

Like Page

Full of the TRUTH!

Like

Comment

Share

4

The Outside Counsel Report considered these fifteen posts to pose a “significant impact on policing based on several posts that advocate police brutality or vigilante-style violence against protestors, as well as posts that are anti-Muslim, racist, and anti-LGBTQ.” After the Internal Affairs interviews, the Commissioner issued a Direct Action charging Melvin with Conduct Unbecoming and Neglect of Duty. The District Attorney’s Office also issued Melvin a *Giglio* letter which described his posts as “threatening violence against transgender individuals and exhibiting anti-Muslim bias.” Melvin was dismissed from the PPD, but resigned before his dismissal became effective.

As stated, all of Melvin’s posts touch on matters of public concern. The question is whether “the interests of both [Melvin] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, Melvin’s posts are likely to disrupt the PPD’s effective operation, and the City’s interest in preventing that disruption outweighs Melvin’s and the public’s interest in his posts. Several of Melvin’s posts advocate for extrajudicial violence—*e.g.*, the post commenting that two individuals charged with murder are “pieces of garbage” who “should be thrown intro [sic] a wood chipper,” or the post imagines greeting a transgender person who uses a gender conforming bathroom with a pistol. Posts like these are significantly likely to undermine the public’s trust in the PPD. *Grutzmacher*, 851 F.3d at 347. Another post makes fun of Muslim women who wear burkas—this post is highly disruptive because it expresses disrespect for Muslim women, who are among “the very persons that the [PPD] is meant to serve” *Munroe*, 805 F.3d at 474. Comments like these are also likely to compromise Melvin’s

credibility at trial, as evidenced by the *Giglio* letter he received from the District Attorney’s Office. Melvin also testified that fellow officers distanced themselves from him after his posts came to light, which demonstrates that his posts had a “detrimental impact on close working relationships for which personal loyalty and confidence are necessary” *Rankin*, 483 U.S. at 388.

The City has demonstrated that Melvin’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs Melvin’s and the public’s interest in the posts, Melvin’s posts are not protected. Accordingly, for the reasons set forth above, the City’s Motion for Summary Judgment will be granted as to Melvin’s First Amendment retaliation claim.

p. Brion Milligan

Officer Milligan began working for the PPD in 1996. At the Internal Affairs interview, Milligan was shown one hundred social media comments and posts, none of which denied making.

He was sanctioned for twelve of his posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Three of them are about Muslims:

 **Brion Michael** shared Brigitte Gabriel's video. ...
December 10, 2015 · 

Getting sick n tired of liberals on other friend's pages defending islam. The ones I had unfriended me. What is so fucking difficult about this? They are here, have been here. Watch your asses everybody



A video thumbnail featuring a man with a beard and glasses wearing a white skullcap. A play button icon is overlaid on the video frame. Below the video, text reads: "YOUNES ABDULLAH MOHAMMED 'Revolution Muslim'" and "CNN". A banner at the bottom says "Go to our site to tell us what you think".

1,311,326 Views

Brigitte Gabriel added a new video: Homegrown Hate.  Like Page
December 10, 2015 · 

This is what it looks like when our freedoms are being used against us. Notice how Mohammed says, "Terrorize them (the disbelievers)," is a commandment from Allah.

"Liking" isn't taking action. SIGN UP for our Action Alerts and TAKE ACTION >>> <http://www.actforamerica.org/get-involved>

 Share

 13

 [REDACTED] I'm ready to take care of business.  1
2y

 [REDACTED] If you let them in our country, this is the way they thank you. Pig head fuckers.  1
2y

  Brion Michael replied · 1 Reply



Brian Cain

...

January 9, 2016 · Philadelphia, PA ·

So when are they going to take a look at the black muslims that are out every Friday downtown spewing their radical islam agenda on the street corners in Center City? This puke piece of shit that shot Jesse is one of them. Go listen to them for 30 seconds one day and tell me their message isn't more then freedom of speech. It's pure terroristic threats. They must be shut down and dealt with.

Share

66

1 Share



Frank Rizzo woulda known how to handle it...dogs, tear gas..firehoses..

5

2y



Where is the Muslim oversight committee???

4

2y



Brion Michael Look at Dearborn MI. Hate rallies held all the time. Biggest muslim population in the US. Media silent. WWIII is about to kick into 2nd gear

3

2y



Michael G Bottum That's why we have a 2nd amendment.... You can't depend on government to protect you!!!

1

2y



Brion Michael But we can depend on this govt to fuck up the 2nd amendment

2y

 **Brion Michael**
June 15, 2016

Freed! Last weekend, I along with others engaged in a very heated debate with 2 sheltered, liberal, young dummies on the issue of Islam on the Chalfont 19154 site. I was reported twice & have been knocked off FB for most of the last 4 days. I did NOTHING WRONG but the left wing fucklings at FB bought it & made the complaints founded. Ironically, the boom got lowered just 2 hrs before the Orlando attack. Angry isn't even the word to describe what is unfolding in this country, in France & how the media & that make believe president are reporting the events. " If the political winds shift in an ugly direction, I will stand with the Muslims" " The muslim call to prayer is the prettiest sound on earth" - obama, right from his book. Comments please, go.....now



31

Happy you're back cupcake. 1y

Brion Michael That must have been one of my felony charges, calling her cupcake 1y

Lmao!!! Hilarious! 1y


YOUTUBE.COM
Welcome Back Kotter - Theme Song

Brion Michael I'm back. But, they're heeeeeere!!!! And have been. The Muslims, not guns 1y

I'm investing....and it ain't in Muslims 1y

1y

Brion Michael This is freaking me out. That box gives me PTSD 1y

Get them miffs!!!! 1y

Brian, liberals don't want to hear the truth. They want to continue to live in their fantasy land where everyone loves one another. News Flash: Muslims are killing us. That is a pretty good indicator they don't love us. Sometimes I even feel sorry for their naive selves... 1y

Brion Michael WWII, but some wanna be blind. Media, colleges, bad parenting. We're in some bad shape 1y

Thomas Gehan We are behind you Brion 1000% !! Liberalism is a serious mental disorder !!! 1y

Welcome back neighbor! 1y

CODE OF CONDUCT FOR THE U. S. FIGHTING MAN 1. I am an American fighting man. I serve in the forces which guard my country and our way of life. I am prepared to give my life in their defense... See More 1y

Brion Michael Thank you for posting this Joe. Thank you for your service! 1y

Thank you for your service!! 1y

I'm asking you to not call me Cher." "Ok cupcake." 1y

Wondered why things were so quiet 1y

Brion Michael FB political prisoner # 2548 now released. 1y

Brion Milligan lol 1y

Omg lol 1y

Missed you!! 1y

I am shocked beyond belief that anyone would report you for unappropriate remarks. ..you are always the voice of reason and serenity..people live for your words of truth and wisdom...although I don't always agree with the way you see or say things..you are certainly entitled to your opinion! Welcome back! 1y

Brion Michael Deb did you see that debate on Chalfont? 1y

Yes and it made me sad. I do not want a Muslim school or mosque any where near where I live. It frightens me beyond belief what could go on there...but just as you are entitled to your opinions so are those liberals who support such freedoms. I have... See More 1y - Edited

Brion Michael Correct. I called the one "cupcake". Welcome to the era of hurt feelings 1y

You can call me cupcake anytime...no hard feelings! 1y

Brion Michael LMAO Deb! See ya tonight! Can't believe it. I still remember the first day I met you. You had Dillon with you at the playground with his toy fire truck. He was about 3 or 4. On to high school 1y

Good times my friend! 1y

Jim Kelly You know what's ashame? A bus load of radical Islamists going off a cliff and theirs one empty seat 1y

Two are about “liberals:”

 **Brion Michael**
May 13, 2016 · Philadelphia, PA · 

This bathroom controversy has done it. It's time to round up liberals & place them in internment camps. Anyone wanna give me a reason not to?

 Share

 26

 [REDACTED] Brion i had enough gather them all up and put them in a gas chamber!
1y  1

 [REDACTED] I'll help!  1
1y

 [REDACTED] I agree Brion. Its getting ridiculous!!!!
1y  1

 [REDACTED] Absolutely ridiculous....make America great again....I might move to Canada if this happens...we are a joke....I dont care how you dress or what you look like but if you have a penis piss in the damn urinal...I dont want my daughter's sharing bathrooms with MEN even if they look like a girl....shouldn't even be an issue
1y  2

 [REDACTED] So if I dress like a girl I can go in the girls locker room....yeah people won't take advantage of that....I'm sick to my stomach
1y  1

 [REDACTED] Really!
1y


1y  2

 **Ernest Green**

1y  4

 **Brion Michael** What about fake balls?
1y



Brion Michael

March 23, 2016 · 6

...

How do you liberals feel knowing your political correctness is allowing innocent people to get butchered? Those "no go zones" in Europe the cops will not enter used to be called Muslim slums, now they're referred to as Islamic colonies. It's not so bad here yet, but you fucking liberals better get out of the way.

1 41

6 Comments

Share



[REDACTED] Liberalism is a mental disorder. 1 6

2y



Brion Michael With no treatment. Put them to sleep

2y

1 2



[REDACTED] I swear to God, I hope there is a civil war so we can separate ourselves from them. My dad and I talk about it all the time. The conservative regions would thrive and flourish, the liberal regions? Well just look at Chicago...

2y

1 2

Four are about police and policing:

Bob Walls
January 21 · 1

Great Job by 2 retired Philly Cops Brian W. & Chris Bl! Old school ass whoopins are always on the menu when you fuck with retired cops trying to make an honest dollar!! Hahahah



NJ.COM | BY NJ.COM
PHOTOS & VIDEO: Riot police on horses storm parking lots before Eagles vs. Vikings

Like Share

78 12 Shares

I saw the pic and texted it to Chris B.... would want to him in this mess! 1 Like · 9w

Bob Walls Your worst nightmare isn't the Philadelphia police. It's messing with RETIRED Philly Cops. They do not have to play by any rules! Hahahahah 17 Like · 9w

Larry L. Junior And they are wide open to civil liability ... Like · 9w

Bob Walls Larry L. Junior Not if they are parking lot security. The company's insurance is. 2 Like · 9w

Chris B is the best!!! We've been friends for years !! 1 Like · 9w

Brion Michael Exactly!! Like · 9w

Larry L. Junior Hey genius, know the full story before you comment!!! 3 Like · 9w

Go Chris!!!! Like · 9w

So glad we are retired. 1 Like · 9w

I guess he missed the game. 1 Like · 9w

Two good dudes 1 Like · 9w

Yeah Chris! 1 Like · 9w

What exactly did he do? Did I miss something?? 1 Like · 9w

No reason to act like a jerkoff....it's a football game, fer' Chrissake! 2 Like · 9w

Nice job boys. Fuck that little punk. 1 Like · 9w

Brion Michael
February 12, 2016 · 27

Dear obama & the crooked DOJ, take your late 1930's hitler, nazi style govt. practices & stick them up your vaginas. Darren Wilson did his job, it was proven he was justified. Your supporters burned down the city of Ferguson, not the cops or supporters of the cops. Now you decide to try & grow a set & think you can STILL fuck with Ferguson's police dept. & other police departments nationwide. Look no further than my profile, if you voted for this tyrannical, incompetent, American hating baskin robbins floor licker.....Kill yourself.

27 7 Comments 2 Shares Share

[REDACTED] Love your honesty 1 2y

[REDACTED] AMEN. I'm stealing / sharing this. 1 2y



Brion Michael [REDACTED], enough of the questions & criticisms anymore, let's just crack heads 1 2y

[REDACTED] Lol 1 2y

[REDACTED] leave baskin robbins out of thisthey are awesome and did nothing to you 2y

Brion Michael Obama fucked up the name by having his only job there, that's what you should be worried about. 2y

[REDACTED] You don't know that. I'm sure Milligan has some sort of deep theory of how Strawberry bonanza blast is actually a way that Obama communicates with the taliban. 1 2y

Brion Michael Oh my God. Where do you come up with this stuff? Thanks for that Trump portrait by the way 2y

[REDACTED] You'll be receiving a framed copy as soon as AC Moore's is finished with it. 1 2y

Brion Michael You sick fuck!!! You sick fuck!!!! 1 2y

[REDACTED] I'm lovin' this thread. Awesome ... 1 2y

Brion Michael Marc, there are some sick-Os here. Most of the time, it's all good fun. Howard Stern always said Philly is his favorite city. He once said there are more perverts per capita in & around Philly than any I've ever seen 1 2y · Edited

[REDACTED] strap the white boy to the bed and shock his balls 2 2y

[REDACTED] Milligan, see any new monkey masturbation videos lately? 1 2y



Billy Killian Jr.
February 17, 2015 · 

• • •

Who remembers when south st was crazy on Fat Tuesday?

149

13 Comments

 Share

- 

I was just talking about that with some of the girls at work! It was crazy down there.

3y  1
- 

Shaw Bjerring I wish it still was. Im trying to go rage

3y  1
- 

I used to live on 8th and south back in 1997. It was ridiculous

3y  1
- 

Remember the dude who drove through the crowd running people down on south street on Fat Tuesday all because they were surrounding his car an wouldn't let him out?

3y  1
- 

We used to have a lot of fun, at Fat Tuesdays, bands all day, WMMR, frozen drinks... but it's just not the same down there anymore

3y  1
- 

Ernest Green I use to love it

3y  1
- 

i remember the riot on sth street good old days lol

3y  1
- 

Brion Michael I remember that Irish, potato head, toothless, pompus prick Timoney buckled that 1 year when that car drove thru the crowd & the media made a big deal about the cops not having control. Another worthless commissioner

3y  2

 **Brion Michael**
April 29, 2015 · 4 comments

I was once told by a jitbag inspector I needed to do some "soul searching", some here know the story I'm referring to & he didn't even know the full story or my side of the story. Now Barry obama says the same thing. These political hacks never put in an honest day's work in their lives, tell me to " soul search ", I say to all of you.....when you're done fucking yourself, go get a job & see what its like. Police dept. brass included.

16 24 Comments Share

 [REDACTED] I love your candidness 1
3y

 [REDACTED] Brion...he did to stop posting like this...you going to get in trouble ...its not worth it. Think of your family. I was stupid years ago and did same thing on domelights and cause myself and family grief. If you need to vent do it on private messages.
3y

 [REDACTED] I mean you to stop.
3y

 [REDACTED] Brion you need to look at supreme court decision ...the right to free speech is not an absolute. You may not be criminal charge but employers can discipline you administratively. Also read government labor laws.
2
3y

 Brion Michael John, did I mention any names? Is this outside an opinion?
3y

 Brion Michael Sure do John, I'm one of the poster boys for it
1
3y

 [REDACTED] You really don't have to mention name.. Just being critical of command can put you in DPR for months...then eventually lose days ...and arbitration takes years!
3y

 Brion Michael No names, and this story was 18 yrs ago, this is an opinion of our president who hates cops, equated with the same terminology.
3y

 [REDACTED] If they were a white shirt and u think they give a shit about u in blue.....ur kidding urselfunless ur new...bc then u don't no any better....
3y

 [REDACTED] And it really doesn't change things. You don't have to be an alcoholic or an addict to say and understand the serenity prayer. Just trying to look out for you. I'm speaking from experience.
1
3y

 Brion Michael I have experience, I've been questioned, I cooperated, did nothing wrong, just like now
3y

 Brion Michael I have experience, I've been questioned, I cooperated, did nothing wrong, just like now
3y

 [REDACTED] You can be critical of the president and his policy. You don't work for him...that protected. Just stop talking about work issue on open forum do it privately please.
3y

 Brion Michael What's the work issue? A past incident I haven't even described that happened 18 yrs ago?
3y

 [REDACTED] Brion...you a smart guy...you really don't get determine if your right or wrong. Even if you take a chance and defend yourself it takes years. I been waiting 4 yrs for a 3 day hit.
3y

 [REDACTED] What you posted today... In my opinion could get u jammed up. Good luck.
3y

And the last three involve a grab-bag of topics—Facebook censorship of a previous post wishing ill on a celebrity; a news story about a botched execution; and the historical plight of Irish-Americans.



Brion Michael · May 18, 2016 · 

" Hoping Bruce gets ass raped by a make believe transgender in a bathroom"- Referring to that NJ singer. This comment i made was reported & removed by FB. Thanks Zuckerberg. Conservatives are always the problem.

 Share

  24

 **Joe Gillespie** •

April 30, 2014 · 

This dude killed a year old girl and buried her. Why the f**k are people upset that his execution didn't go well. F**K him. . Shame he didn't suffer for days.



WWW.USATODAY.COM
Botched execution could slam brakes on death penalty
An Oklahoma death-row inmate died of a heart attack Tuesday night after his...

 31 12 Comments 4 Shares

 Share

 [REDACTED] Probably blaming the cops..it's a joke...he should have no rights ...
4y

 [REDACTED] It's sad joe this man should have no rights but it is our government stepping in again I hope he burns in hell
4y

 **Steve Bas** It's a shame make him die and bring him back and make him die - Groundhog Day
4y  2

 **Brion Michael** It wasn't botched enough. I wish he suffered more.
4y  3

Jim Coolen shared Amiri King's post. •••
February 12 · 

**WHITE IRISH SLAVES WERE TREATED WORSE
THAN ANY OTHER RACE IN THE US.**

**WHEN WAS THE LAST TIME YOU HEARD AN
IRISHMAN BITCHING HOW THE WORLD OWES
THEM A LIVING?**



**You Won't...
The Irish are not pussies
looking for free shit...**

Amiri King Like Page
January 26 · 

 Like  Comment  Share

 12
2 Shares

 **Brion Michael** I've had some tell me " we were treated worse" if you catch my drift  1
Like · Reply · 6w

The Outside Counsel Report determined that these twelve posts could have a “significant impact on policing based on advocacy of violence, racial/ethnic stereotyping, anti-Muslim comments and anti-LGBTQ comments,” as well as “derogatory comments about police department officials that include ethnic stereotyping.” After the Internal Affairs interview, the Commissioner issued a Direct Action charging Milligan with Conduct Unbecoming and Neglect of Duty. The District Attorney’s Office also issued Milligan a *Giglio* letter which described his posts as “exhibiting anti-Muslim and anti-transgender bias” as well as “advocating violence.” Milligan was dismissed from the PPD.

As stated, all of Milligan’s posts touch on matters of public concern. The question is whether “the interests of both [Milligan] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, Milligan’s posts are likely to cause significant disruption to the PPD’s operations, and the City’s interest in preventing that disruption outweighs Milligan’s and the public’s interest in the posts. In two separate posts, Milligan called for liberals to be “put . . . to sleep” and “round[ed] up . . . & place[d] . . . in internment camps.” On a post discussing the civil unrest in Ferguson, Missouri and the subsequent police response, Milligan wrote “enough of the questions & criticisms anymore, let’s just crack heads.” Elsewhere, he wished that Bruce Springsteen would be sexually assaulted in retaliation for expressing support for transgender people, and warned that, because of “[h]ate rallies” held in Dearborn, Michigan—which he claims has the “[b]iggest [M]uslim population in the U.S.”—“[World War III] is about to kick into 2nd gear.” These comments all “advocate violence to certain classes of people,” such as

liberals, those who support Muslim and transgender people, and others, and are therefore highly likely “to diminish the [PPD’s] standing with the public” *Grutzmacher*, 851 F.3d at 347. Posts of this sort have a high potential to compromise Milligan’s credibility as a witness in just about any criminal proceeding, as recognized by the District Attorney’s Office when it issued him a *Giglio* letter.

The City has demonstrated that Milligan’s posts were highly likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs Milligan’s and the public’s interest in the posts, Milligan’s posts are not protected. Accordingly, for the reasons set forth above, the City’s Motion for Summary Judgment will be granted as to Milligan’s First Amendment retaliation claim.

q. Mark Palma

Sergeant Palma began working for the PPD in 1989. The Plain View database contains 43 posts attributed to him. He was shown each of these posts during his Internal Affairs interview; although he initially denied having made some or all of them, he admits now having made the posts shown to him at that time.

Palma was sanctioned for eleven of his posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Four of them involved crimes or current events in Philadelphia:

Bob Walls
January 1, 2016 ·

Please Pray for the quick recovery of my friends mother who was the victim & the hope that this POS is dealt with street justice or just plain KARMA quickly. Hopefully dead by Police gunfire.



PHILLYVOICE.COM
Elderly woman shot, robbed in Northeast Philadelphia
Victim, 75, shot in face while returning from grocery shopping

Share

73

28 Shares

Prayers on the way....



2y

Who the fuck does this?

2y

What has happened to the neighborhood?!?!?!

People are heartless POS! God bless her & I will pray for her.

2y

Mark Palma He needs to be shot in the throat 1

2y

 **Mark Palma** · August 25, 2017 · [...](#)

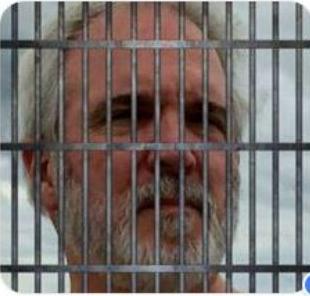
Good job Central Detectives. The loud mouth school teacher took a pinch

[Like](#) [Comment](#) [Share](#)

11 223

5 Shares

 **Ian Hans Lichtenman**



19

Like · Reply · 30w

 **Mark Palma** Go home and get your shine box 12

Like · Reply · 30w

 **Juan Ramirez** Bubba is waiting for his ass. Lol 1

Like · Reply · 30w

 **John Connors** Nice.... Tastes better than hot dogs Palma!!

Like · Reply · 30w

 **Mark Palma** Lol

Like · Reply · 30w

 **Juan Ramirez** Now, the same thing to Kalif. One by one. Bring these POS to justice. And definitely Soros and Pinocchio. 3

Like · Reply · 30w

 **Mark Palma** Juan you can drive the wagon

Like · Reply · 30w

 **Brian Mac** If only Juan was the turn key when they brought him in. That I would pay to watch. 1

Like · Reply · 30w

 **Juan Ramirez** He would be crying but because of pain. His jaw would be the first thing that would hurt. I for one would teach him respect for the Police. 1

Like · Reply · 30w

 **Mark Palma** ***
August 17, 2017 · 

Frank was vandalized tonight

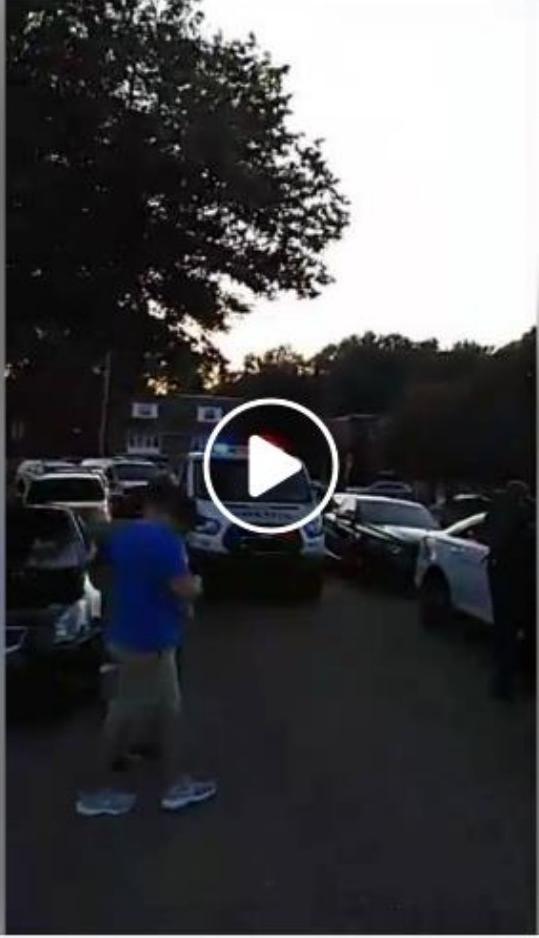
 Like  Comment  Share

  43

 [REDACTED] Rocky is next [Mark Palma](#) remember he beat up 2 black men in his movies                                              <img alt="Smiley face icon" data-bbox="3131 311

 **Mark Palma** shared [REDACTED]'s live video. ...

August 24, 2017 ·


[REDACTED]

143,810 Views

[REDACTED] was live.
August 24, 2017 ·

At the murderer of David Jones house officer Ryan Pownall of the 15TH district
#Justice4DavidJones
#NO #JUSTICE #NO #PEACE

 Like  Comment  Share

 33

 **Mark Palma** something must be done with this scum  4

Like · Reply · 30w

Two dealt with clashes between police and protestors:

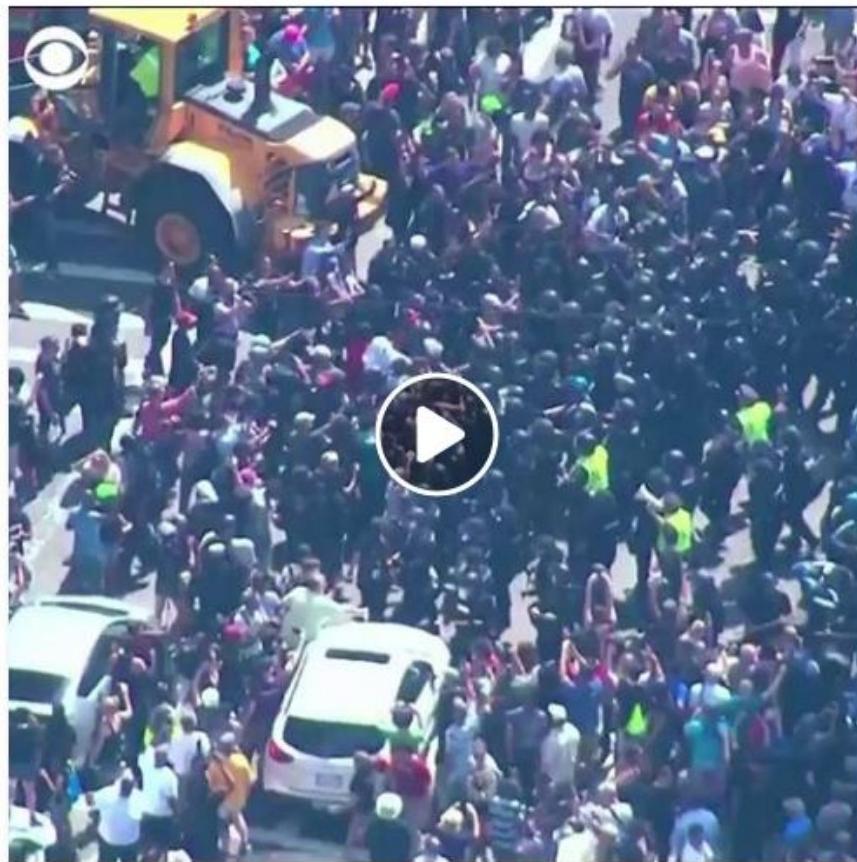




Mark Palma shared CBS News's video.

August 19, 2017 ·

...



159,371 Views

CBS News added a new video: Boston "free speech" rally ends after counter-protesters take ...

August 19, 2017 ·

Police in riot gear appeared to scuffle with a large crowd of "Free Speech" rally counter-protesters in Boston, and at least one person was arrested: <http://cbsn.ws/2wcEsbC>

Like

Comment

Share

10



Mark Palma Its getting out of hand people 3

Like · Reply · 31w



Mark Palma put them all on planes and send them over to third world country 4

Like · Reply · 31w

[REDACTED] Like New Jersey?

Like · Reply · 31w

Two were stories or videos about crimes outside of Philadelphia:

 **Mark Palma** shared a link.
May 23, 2017 · 

VIDMAX.COM
BREAKING! This is the Islamic scum that killed 22 in Manchester, AND HE WAS ARRESTED FOR TERROR AND LET GO BY UK...

 Like  Comment  Share

 15

3 Shares

 [REDACTED] Fuck you pig burn in hell you creep
Like · Reply · 43w



Mark Palma shared a video.

February 19, 2017 ·

...



Cover This Video

1,712,174 Views

FOX 29

February 17, 2017 ·

Like Page

"HEARTBREAKING...BRUTAL...AND JUST WRONG." A mom's friend is accused of striking her 7-year-old son on the head, shoulders, legs, and buttocks at least 62 times in 5 minutes. Police say the beating knocked the child to the pavement.

STORY HERE: <http://www.fox29.com/news/236518031-story>



7

6 Comments

Like

Comment

Share



Mark Palma The adult needs to get hit with a 2x4

Like · Reply · 1y

3

And one is either an Islamophobic or a racist meme:



The Outside Counsel Report considered these eleven posts to pose a “significant” level of disruption. After the Internal Affairs interview, the Commissioner issued a Direct Action charging Palma with Conduct Unbecoming and Neglect of Duty. The District Attorney’s Office also issued him a *Giglio* letter which described his posts as “exhibiting racial and anti-Muslim bias and advocating excessive force against protesters.” Palma was dismissed from the PPD, but retired before the dismissal became effective.

As stated, all of Palma’s posts touch on matters of public concern. The question is whether “the interests of both [Palma] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest is weightier. Several of Palma’s posts are calls for violence against individuals or groups—for example, the comment “he needs to be shot in the throat” (on an article about the perpetrator of a shooting and robbery); the comment “the adult needs to get hit with a 2x4” (on a video showing an adult beating a child); and the meme encouraging riot squads to hospitalize ‘black bloc’ protestors. These posts have the potential to erode a community member’s trust that the PPD will treat them fairly should they engage in a protest or be arrested for a crime. See *Grutzmacher*, 851 F.3d at 347 (speech that “advocat[ed] violence to certain classes of people” was likely to disrupt a fire department’s operations because it had the “potential . . . to diminish the [d]epartment’s standing with the public”). His posts making fun of Muslims direct “invective . . . against the very persons that the governmental agency is meant to serve,” and therefore “could be expected to have serious consequences for the performance of [Palma’s] duties and the [PPD’s] regular operations.” *Munroe*, 805 F.3d at 474. And all of these

posts could be used to diminish Palma's credibility in a case where he is called to testify against a defendant, as recognized by the District Attorney's Office when it issued him a *Giglio* letter characterizing his posts as "exhibiting racial and anti-Muslim bias and advocating excessive force against protesters . . ."

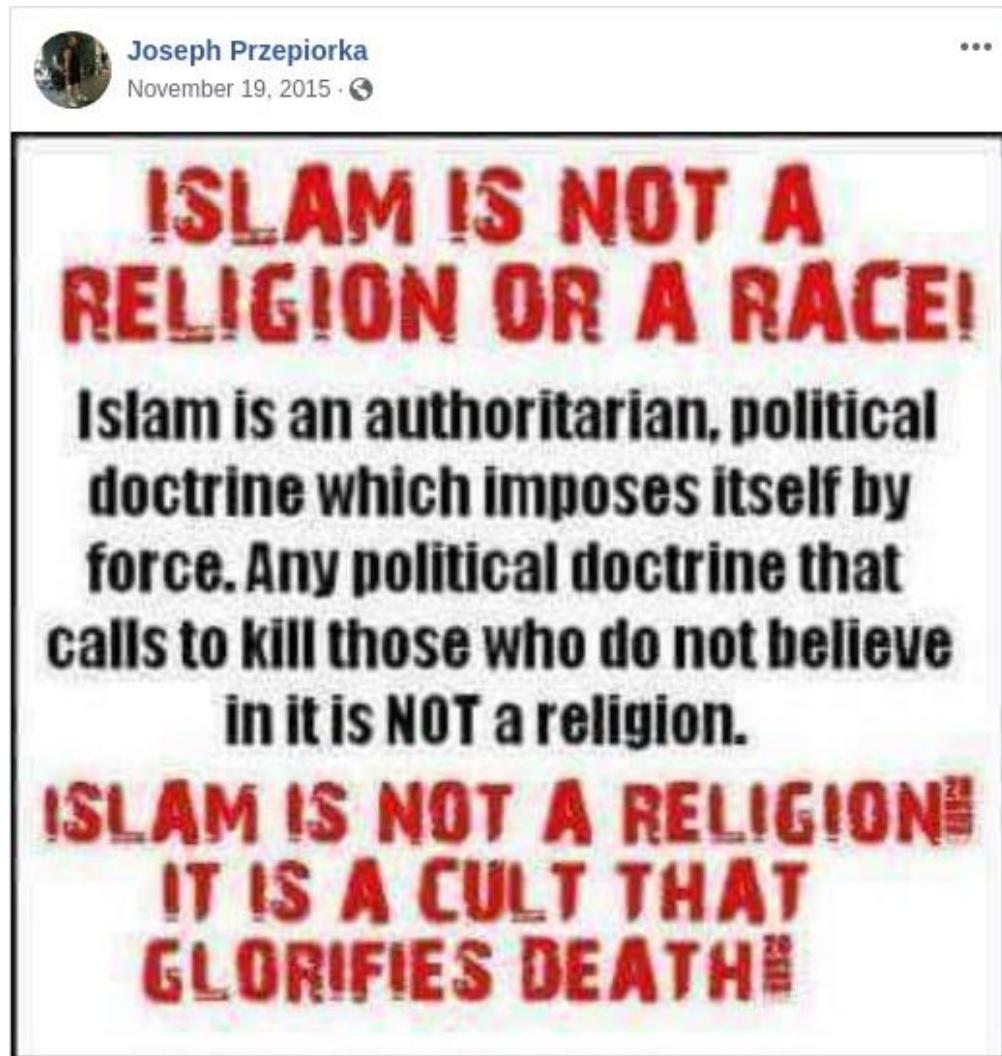
The City has demonstrated that Palma's posts were likely to cause significant interference with the PPD's operations. Because the City's interest in preventing this disruption outweighs Palma's and the public's interest in his posts, his posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on Palma's retaliation claim.

r. Joseph Przepiorka

Sergeant Przepiorka began working for the PPD in 1989. The Plain View database contains ninety-four posts attributed to him. When he was shown each of these posts by Internal Affairs investigators, he did not deny making any of them.

Przepiorka was sanctioned for forty-one posts. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Twenty-two of them involved Islam and its followers:



Joseph Przepiorka shared a photo. ...
May 30, 2016 ·

Number
of Jewish terrorist
attacks since 9/11
Zero

Number
of Christian terrorist
attacks since 9/11
Zero

Number
of Islamic terrorist
attacks since 9/11
26855

Not all religions are the same

CounterJihad.com Like Page
May 30, 2016 ·

We thank God for our military this Memorial Day. Here is why such courage and strength is sadly needed.
#CounterJihad

6 1 Comment

Like Share

[REDACTED] BUT THE TERRORIST ARE NOT MUSLIM MUST JUST BE A COIENCEDENCE 1

Like · 2y



(Przepiorka posted the above image twice—first in 2015, and again in 2016.)

 **Joseph Przepiorka** shared a link. •••

January 11, 2016 · 



REDSHAREWATCHER.COM
Sheriff Clarke: Muslim shooter in Philly should be tried for treason and put to death

 29 3 Comments 26 Shares

 Like  Share

 **Joseph Przepiorka** Commander and Chief of Homeland Security.
Let's get more troops, better equipment and let us do our job and stop all bull shit already. The police are the only thing savages from running wild.

[Like · 2y](#)

 Joseph Przepiorka
January 11, 2016 · 

CAN YOU CONNECT THE DOTS?
See a pattern here?

LOCATION	TERRORIST'S RELIGION	GUN FREE ZONE ?	CASUALTIES
FT. HOOD	MUSLIM	✓	13 DEAD 33 INJURED
BOSTON	MUSLIM	✓	5 DEAD 280 INJURED
PARIS	MUSLIM	✓	136 DEAD 352 INJURED
MADRID	MUSLIM	✓	191 DEAD 2050 INJURED
CHATTO-NOOGA	MUSLIM	✓	6 DEAD 2 INJURED
SAN BERNARDINO	MUSLIM	✓	14 DEAD 17 INJURED

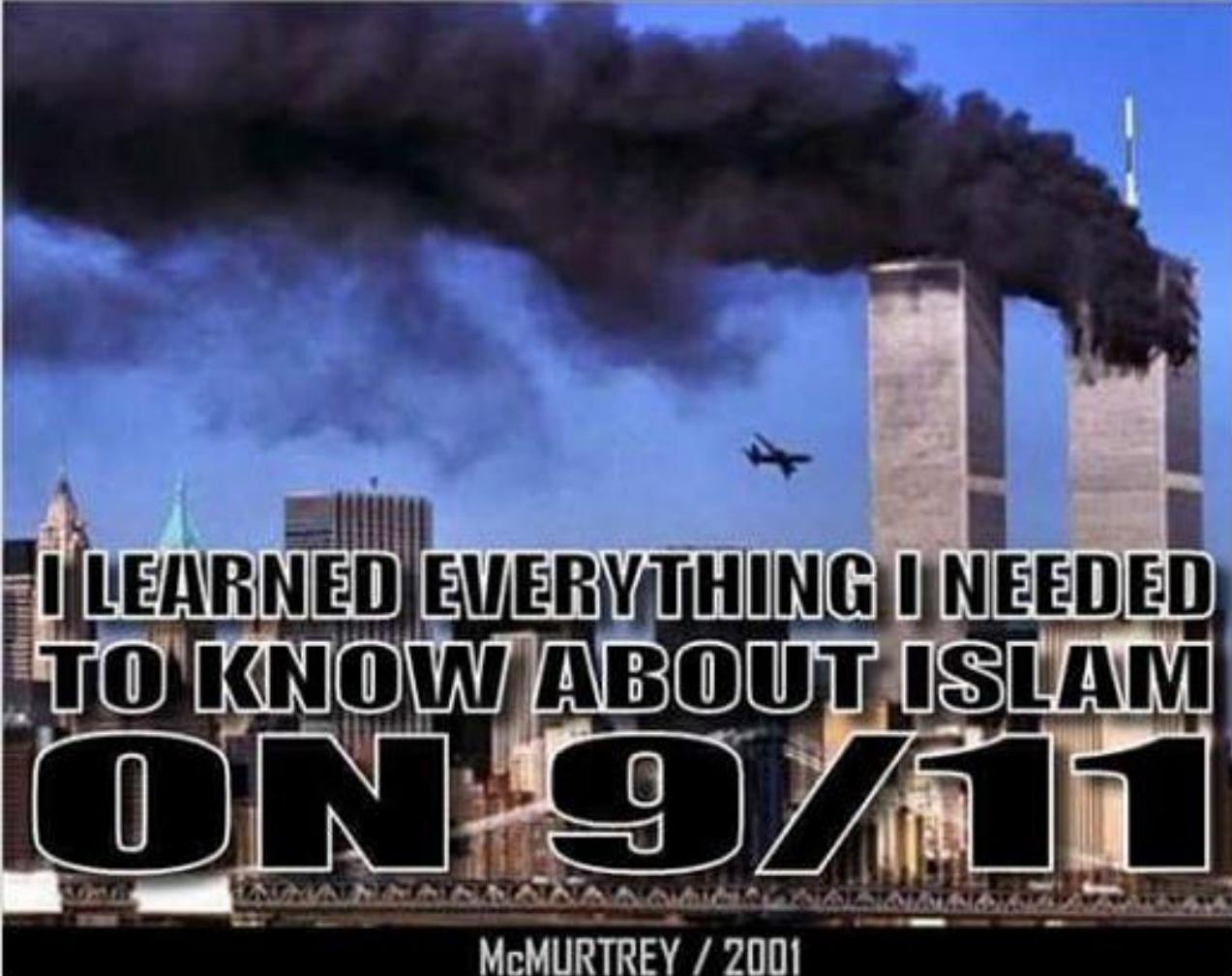
 17 2 Comments 36 Shares

 Like  Share

 Joseph Przepiorka

January 13, 2016 · 

...



**I LEARNED EVERYTHING I NEEDED
TO KNOW ABOUT ISLAM
ON 9/11**

McMURTRY / 2001

 22 1 Comment 7 Shares

 Like  Share

 [REDACTED] So dammm true

Like · 2y





Joseph Przepiorka

January 21, 2016 ·

...

All of Europe and America need to unite and send these people back to their country or hell.



TELLMENOW.COM

Muslim 'Refugees' DEMAND Government Change The Flag

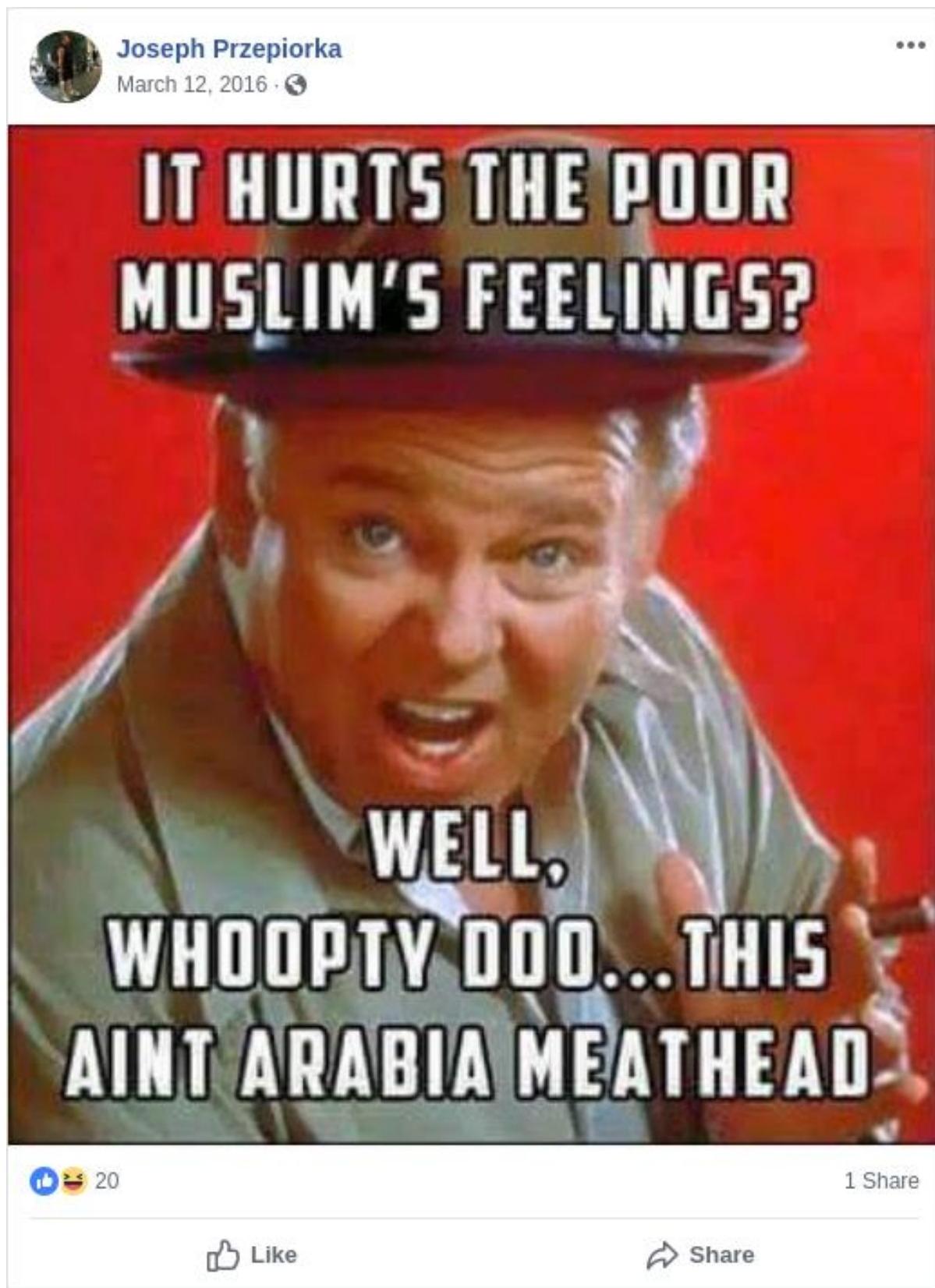
This nonsense has gone WAY too far!

4

3 Comments

Like

Share



Joseph Przepiorka shared a link.
August 1, 2016 ·



JEWSNEWS.CO.IL
TRUMPED: What German police find at raid near radical mosque will absolutely shock you...still want them in your country?

3 Comments 27 Shares

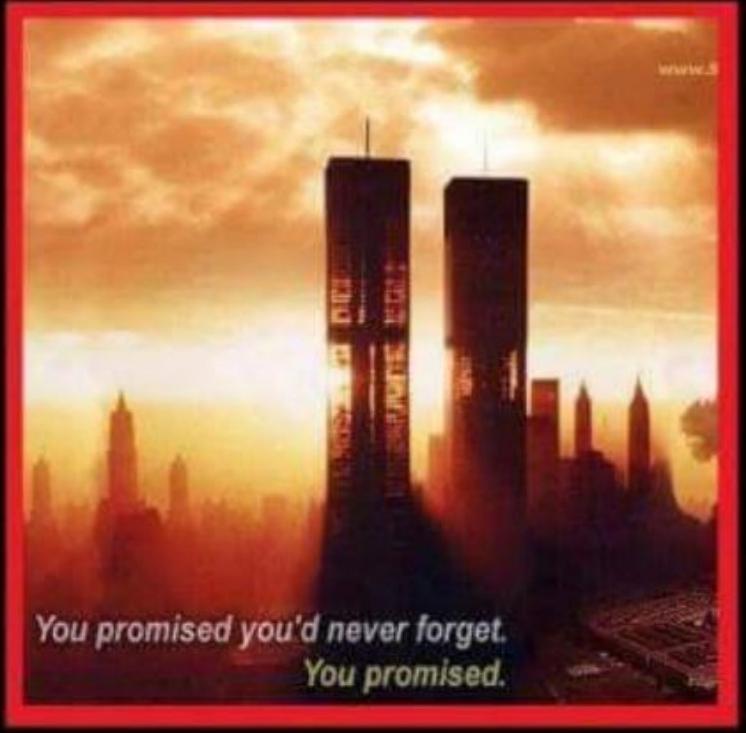
Like Share

Tom Blackburn And people don't think that is coming here 1
Like · 1y

[REDACTED] As long as they get a free cell phone. They don't care 1
Like · 1y

Joseph Przepiorka Imagine what 1000 of them with them weapons could do to any city
Like · 1y

Joseph Przepiorka shared a photo.
May 17, 2016 ·



*You promised you'd never forget.
You promised.*

**On September 11, 2001
Muslims Attacked Us
8 Years later we elected
Barack Hussain Obama
7 Years later we're allowing
Rampant Muslim immigration
You Promised You Wouldn't Forget**

Robert Rich
May 17, 2016 ·

I haven't, have you?

21

Like Page

4 Comments

Like Share



Joseph Przepiorka shared a photo.

December 10, 2016 ·

...

**FIRED BY OBAMA
TO PLEASE THE MUSLIMS**

Mad Dog Mattis

**HIREDBYTRUMP
TO EXTERMINATE THEM**

Robert Rich

December 10, 2016 ·

Like Page

Awwwww yeeeeaaahhhh!!!

 Joseph Przepiorka shared a post. ...

August 20, 2016 · 

MEDALS IN TWO WARS GETS \$1200 A MONTH



MUSLIM IMMIGRANT GETS \$1700 A MONTH

August 16, 2016 

  10 3 Comments

 Like  Share

 Joseph Przepiorka That's sickening  1
Like · 1y

 [REDACTED]         1
Like · 1y

 [REDACTED] Disgrace
Like · 1y

 Joseph Przepiorka shared a link. •••

September 21, 2016 · 



ANGRYPATRIOTMOVEMENT.COM

WATCH – BLM Thug Praises ‘Allah,’ Calls For Violence Against Whites in THIS State

 7

5 Comments 17 Shares



Joseph Przepiorka

January 29, 2017 ·

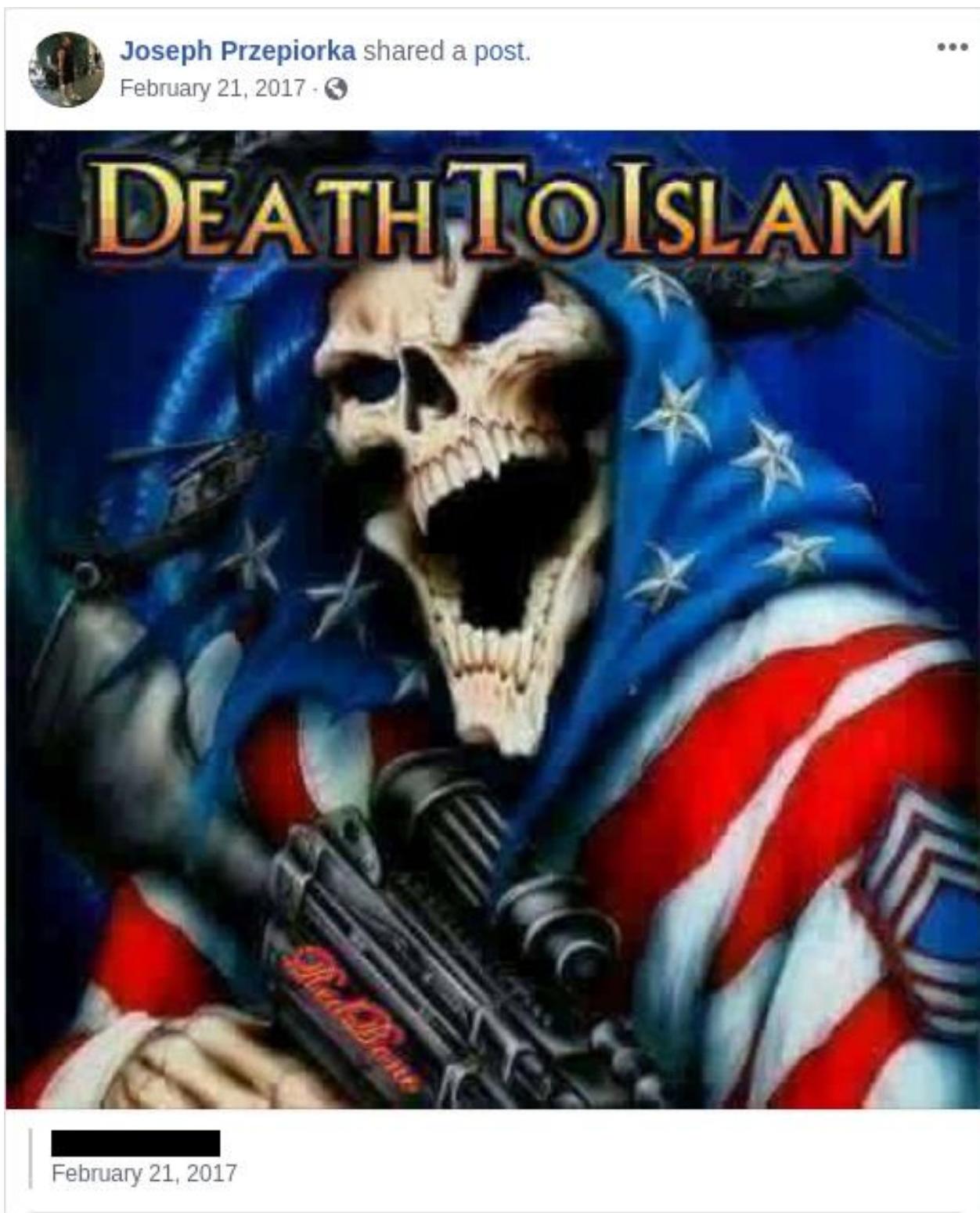
...

THE PATH OF **ISLAM** IS ALWAYS THE SAME

- 1. ESTABLISH A MOSQUE 2. CREATE AN ENCLAVE
- 3. GROW THE POPULATION 4. CLAIM VICTIMHOOD
- 5. RESIST HOST AUTHORITIES & CUSTOMS
- 6. EXPLOIT LAWFARE 7. INSTITUTE SHARIAH
- 8. SECEDE 9. TAKE CONTROL

AFGHANISTAN WAS ONCE A BUDDHIST NATION, PAKISTAN
WAS ONCE HINDU AND LEBANON WAS CHRISTIAN. DO
YOU SEE A PATTERN FORMING? TODAY THEY'RE ALL
ISLAMIC NATIONS. IF WE CONTINUE ON THIS PATH
EUROPE WILL BE NEXT TO FALL... THEN AMERICA?







Joseph Przepiorka shared a post.

July 29, 2017 ·

...



[REDACTED] shared a link to the group: The Deplorables.

July 29, 2017

The Poles are in...



CREEPINGSARIA.WORDPRESS.COM

Poland: "We will not open our doors to Islamic migrants"

Refusing Islamic migrants is only way of ensuring security: Polish MEP



Joseph Przepiorka shared a post.

September 21, 2016 ·

...

ISLAM, AT WAR WITH AMERICA SINCE THE TRIPOLI BOMBING OF THE USS PHILADELPHIA AROUND 1804



FOR THE IDIOTS WHO SAY ISLAM ISN'T
AT WAR WITH AMERICA.. IT HAS BEEN
AT WAR WITH US SINCE THE VERY BEGINNING

September 12, 2016

7

1 Comment



Joseph Przepiorka shared a photo.

January 30, 2017 ·

...

The Shoe Bomber was a Muslim
The Beltway Snipers were Muslims
The Fort Hood Shooter was a Muslim
The Underwear Bomber was a Muslim
The U.S.S. Cole Bombers were Muslims
The Madrid Train Bombers were Muslims
The Bali Nightclub Bombers were Muslims
The London Subway Bombers were Muslims
The Moscow Theatre Attackers were Muslims
The Boston Marathon Bombers were Muslims
The Pan-Am flight #93 Bombers were Muslims
The Air France Entebbe Hijackers were Muslims
The Iranian Embassy Takeover, was by Muslims
The Beirut U.S. Embassy bombers were Muslims
The Libyan U.S. Embassy Attack was by Muslims
The Buenos Aires Suicide Bombers were Muslims
The Israeli Olympic Team Attackers were Muslims
The Kenyan U.S. Embassy Bombers were Muslims
The Saudi, Khobar Towers Bombers were Muslims
The Beirut Marine Barracks bombers were Muslims
The Beslan Russian School Attackers were Muslims
The first World Trade Center Bombers were Muslims
The Bombay & Mumbai India Attackers were Muslims
The Achille Lauro Cruise Ship Hijackers were Muslims
The September 11th 2001 Airline Hijackers were Muslims

[REDACTED] ► The Deplorables

January 29, 2017

Try this on for size

Joseph Przepiorka shared a video.
October 24, 2016 ·



11,498,641 Views

America 1st
October 19, 2016 ·

Muslim says it's okay to sleep with a 9 year old girl because she's an adult.

12 Like 15 Comments

Like Share

Sick Argument To Take Advantage of Children
Like · 1y

Tom Blackburn They call it a religion its a cult full of child molesters
Like · 1y · Edited

James Campbell UFR!! Thats flat out frightening to even argue or try to explain to this monster !
Like · 1y

Tom Blackburn Yeah and hillary wants to bring in 65,000 more here
Like · 1y · Edited

Joseph Przepiorka Their are ways to deal with animals like that.
Like · 1y

[REDACTED] THAT IS SICK..POS 1
Like · 1y

Michael Decky And Hillary wants to bring more of these sick f@@ks here
Like · 1y · Edited

[REDACTED] Gross slob!! 1
Like · 1y

[REDACTED] And he stands there justifying having sex with a 9 yr old. Animals! Put a bullet in his head, please.
Like · 1y

[REDACTED] I AM SICK OF THEM MFRS!!!!!! 2
Like · 1y

[REDACTED] IN CRIME CODE IT STATES IF ADULT HAVING SEX WITH UNDER AGE CHILD IT IS DEVIANT SEXUAL INTERCOURSE OR RAPE !!! IT ALSO STATES DEADLY FORCE IS WARRANTED TO STOP FELONY ONE CRIME!!! IF ILL CACHE THEM I WILL SHUT THEM!!! I LIVE IN US OF A NOT IN MUSLIM COUNTRY LAW OF THE LAND IS UNITED STATES OF AMERICA LAW AND IF YOU LIVE HER OBEY IT!!! OR IF YOU DON'T LIKE IT, GET TO FUCK OUT!!!!
Like · 1y

[REDACTED] Preach Aleksander!!!!
Like · 1y

Joseph Przepiorka What about sheep and goats Alex.
Like · 1y

[REDACTED] That's just baaaaaaaad. 1 ***
Like · 1y

[REDACTED] This is what I don't get if they eat pig or be near a pork meat or products is sacrilegious. But sleeping with 9 yr old little girl is ok , by who ur prophet Mohammed And your God Allah.
Like · 1y

Seven are variations on a meme that pokes fun at Mexican people and their accents:





Joseph Przepiorka shared a photo.

January 30, 2017 ·

...



Laugh OR Croak

January 28, 2017 ·

Like Page



Joseph Przepiorka shared a post.

March 28 ·

...

MEXICAN WORD OF THE DAY: HOTEL



**TRUMP PAID THE PORN STAR \$130,000
TO KEEP QUIET, BUT THE HOTEL
EVERYONE!** memegenerator.net

[REDACTED] ▶ The Deplorables

March 27

14

1 Share

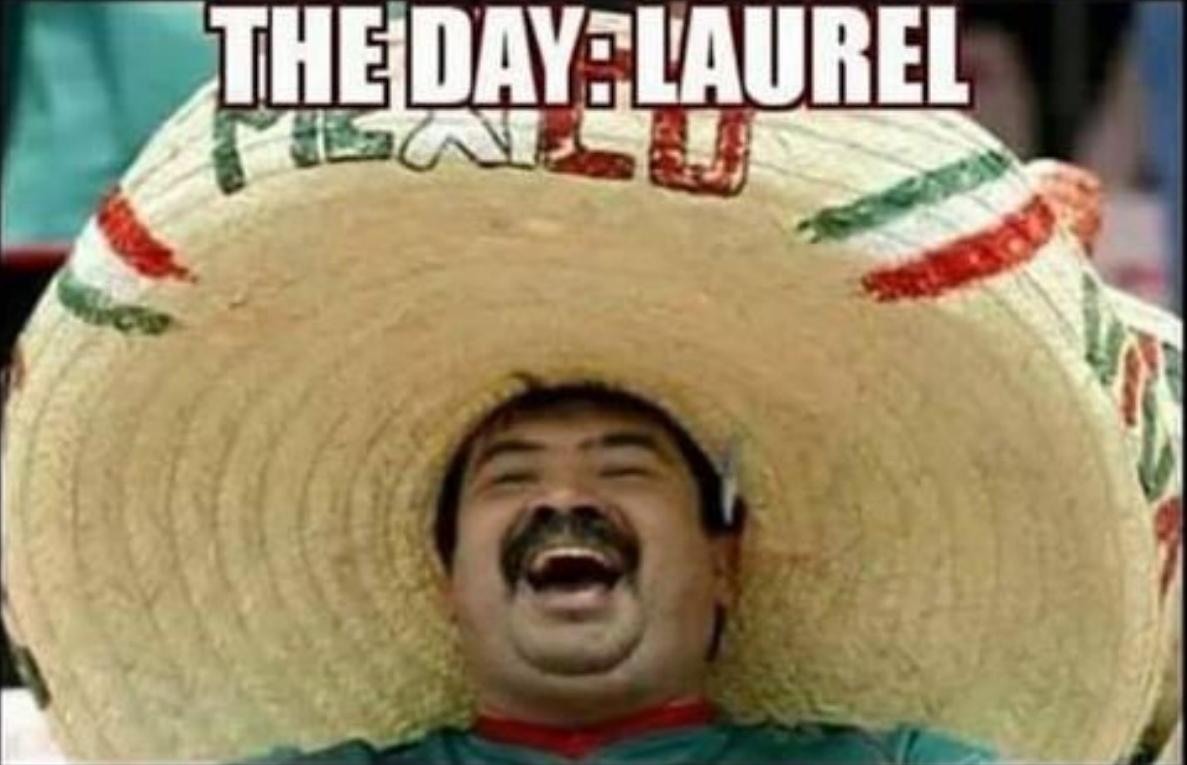
Like

Share



 Joseph Przepiorka ...
May 20 · 

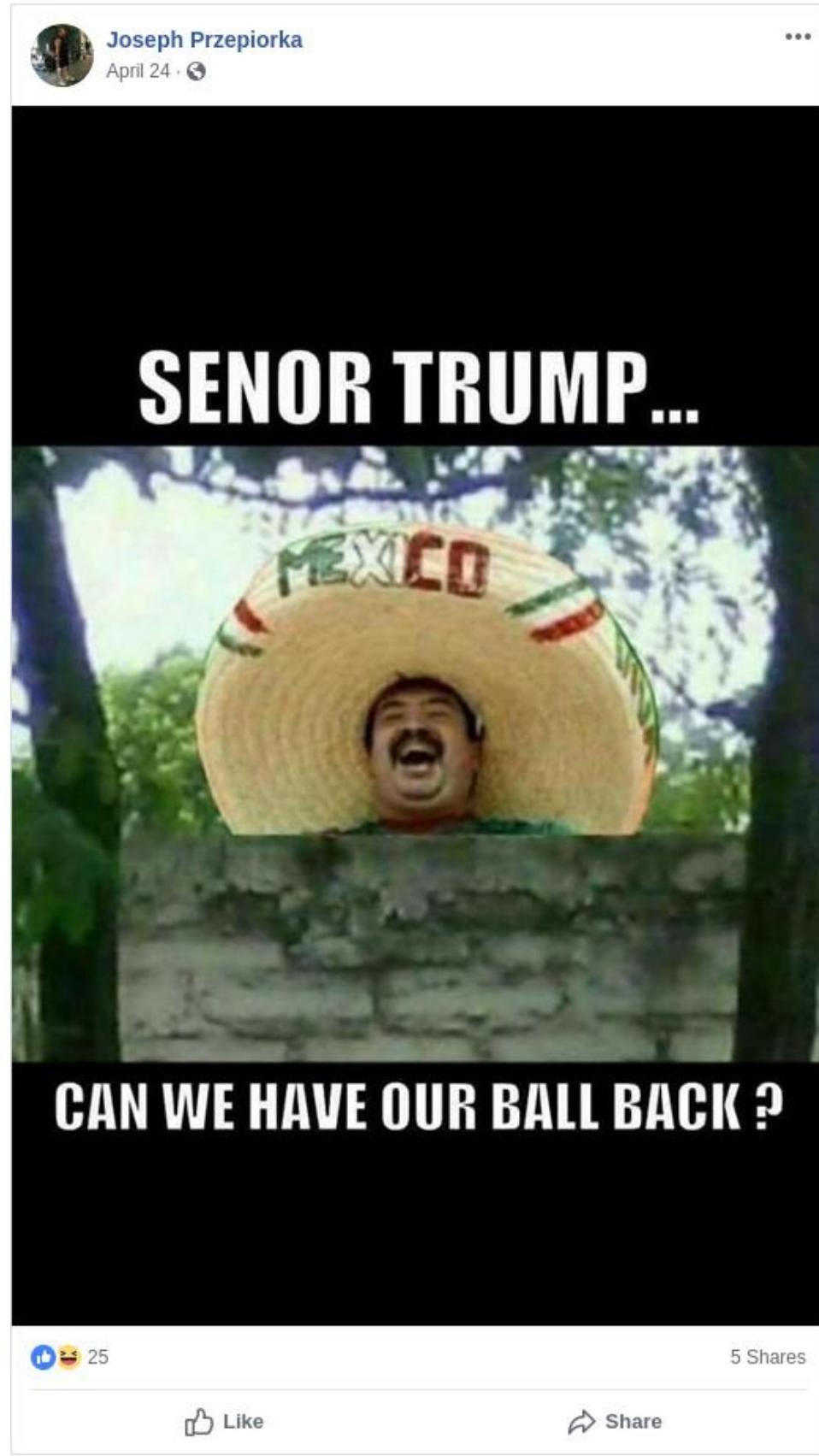
MEXICAN WORD OF THE DAY: LAUREL



MY FRIEND ASK WHO DRANK ALL THE TEQUILA,
I SAY I DONT KNOW YANNY THING.

  19 9 Shares

 Like  Share





The remainder touch on a smattering of topics including, *inter alia*, immigration, crime, policing, bathroom policies with respect to transgender individuals, and protestors:

 **Bob Walls**
January 1, 2016 · 

Please Pray for the quick recovery of my friends mother who was the victim & the hope that this POS is dealt with street justice or just plain KARMA quickly. Hopefully dead by Police gunfire.



PHILLYVOICE.COM
Elderly woman shot, robbed in Northeast Philadelphia
Victim, 75, shot in face while returning from grocery shopping

 Share

 [REDACTED] I'm in ... MAYFAIR DEATH SQUAD  1
2y

 [REDACTED] Street justice would be right for this pos and friends.
2y · Edited

 [REDACTED] Keeping the family in my prayers. People can be so cold and need to be put down
2y

 [REDACTED] I heard about this. Sending prayers. How's she doing Bob Walls?
2y

 [REDACTED] Scumbags
2y

 [REDACTED] very sad i pray for her.
2y

 **Joseph Przepiorka** What a POS, firing squad.  1
2y



 Joseph Przepiorka shared a link. •••

May 3, 2016 · 6abc · 




ACTION NEWS ACCUWEATHER OS 48°F POTTSTOWN 57°F QUAKERTOWN 55°F MADIN
6ABC.COM 

Officers attacked breaking up fight in Philadelphia
A chaotic scene at a SEPTA bus stop in Northeast Philadelphia saw two sch...

 7 2 Comments 2 Shares

 Like  Share

 Joseph Przepiorka That's a damn disgrace to bad the officers didn't kick their damn ass's.

Like · 2y  1

 [REDACTED] That's y my kids in father judge how do u send ur kids to school with animals

Like · 2y  1

Joseph Przepiorka shared a photo.
May 16, 2016 ·

He said, if you
don't let me pee
with your daughter
I'll call you a bigot.

I said, if you
pee with my daughter
I'll call you an ambulance!

Robert Rich
May 16, 2016 ·

Like Page 1 Comment

Like Share

[REDACTED] Eeew 1
Like · 2y



Joseph Przepiorka shared a post.
August 1, 2016 ·

Dennis Michael Lynch
August 1, 2016 · Like Page

OUTRAGE!! OUTRAGE!!
<http://dennismichaellynch.com/dhs-grants-temporary-amnesty.../>



DENNISMICHAELLYNCH.COM
DHS Grants “Temporary Amnesty” to Thousands of Syrians

2 Likes 6 Comments

Like Share

[REDACTED] thank god joe has room at his complex can fit at least few dozen their
Like · 1y

Joseph Przepiorka Yep at the bottom of my pool
Like · 1y 1

[REDACTED] lol ...
Like · 1y

[REDACTED] You don't want them in your pool,they will make it all greasy
Like · 1y

Joseph Przepiorka It's ok do it at the end of the season before they drain jt
Like · 1y 1

[REDACTED]



Like · 1y





Joseph Przepiorka shared a photo.

February 17, 2017 ·

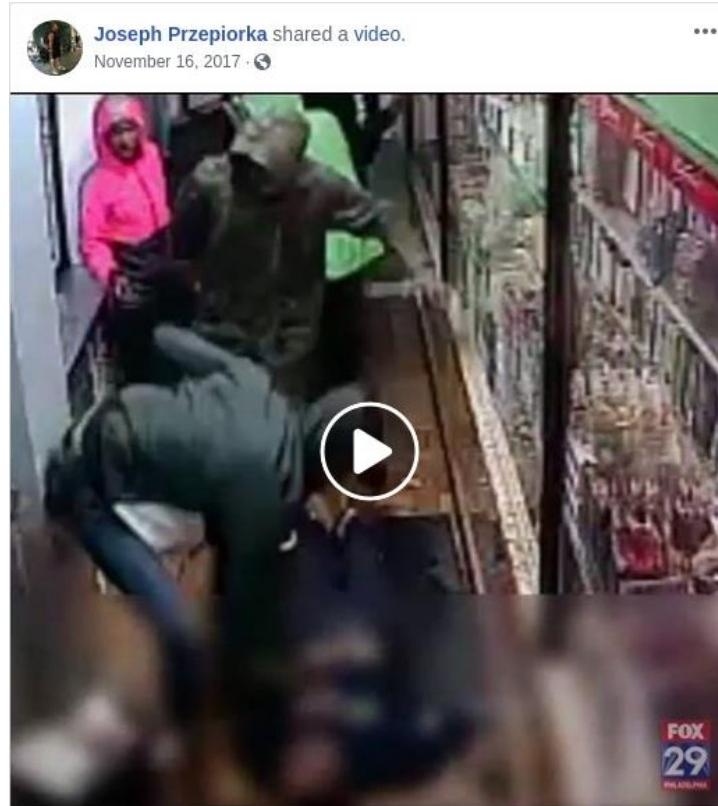
...



Hillary Clinton Sucks

February 16, 2017 ·

Like Page



91,680 Views

FOX 29

November 15, 2017 ·

Like Page

VICIOUS BEATING: Philadelphia Police are looking to locate three suspects who were caught on video stomping and pistol-whipping another person inside a South Philadelphia deli.

MORE: <http://bit.ly/2hsleVd>

3

7 Comments

Like

Share



WTF !

...

Like · 33w



Joseph Przepiorka Thug brutality.

1

Like · 33w



Freaking pussy's excuse my language!

1

Like · 33w



And this is why I will always be judged by 12 never carried by 6

1

Like · 33w



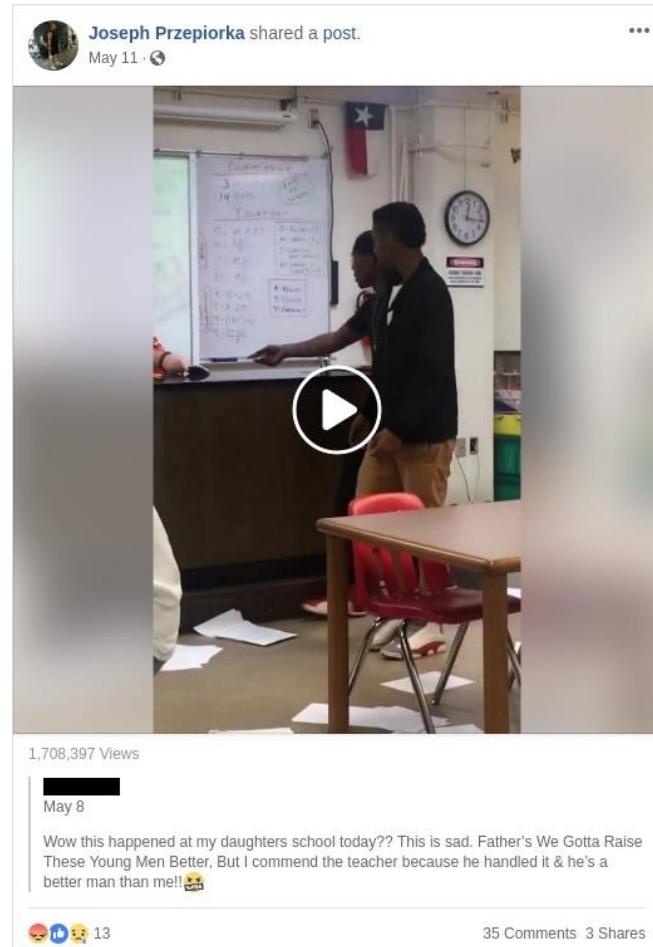
Nig mofo s

Like · 33w



Looks like robbery to me

Like · 33w



- Joseph Przepiorka Good thing I am not a teacher first if he touched me I break his arm and then throw him across the room.
Like · 7w 7
- [REDACTED] Joe I think you would probably have broken more then just his arm lol
Like · 7w · Edited 1
- Joseph Przepiorka Mike I was just trying to be nice lol. These sick bully kids not only bully kids these days they bully, teachers, parents, the elderly and even police. The best way to deal with a bully is do whatever you have to do. This country and kids are out of control.
Like · 7w 2
- [REDACTED] Joseph Przepiorka I agree 100% I think teachers should have the right to protect themselves against these animals.
Like · 7w
- Joseph Przepiorka Very sad and horrible situation for the teachers. We know no discipline and respect at school these days. This shit never would of happened when we went to school.
Like · 7w · Edited 1

 **Joseph Przepiorka** shared a link. ...

June 24 at 9:15 PM · 



 METRO.CO.UK | BY RICHARD HARTLEY-PARKINSON

White paedophile ring held girl hostage and forced her into prostitution

 16 9 Comments 5 Shares

 Like  Share

 **Joe Guglielmucci** Hopefully some big criminals hold them hostage. ...

Like · 1w  2

 **Joseph Przepiorka** These boys will learn Karma very shortly. Bubba is waiting ...

Like · 1w  6

Joseph Przepiorka shared a link.
June 28 at 11:58 PM ·



BREAKINGBURGH.COM
Trump Orders Catapults Be Placed Along Border To Expedite Deportations

28 4 Comments 6 Shares

Like Share


Weeeeeee!
Back over the border you go! 

Like · 1w

 I heard they are waiting on the kids sized catapults to be shipped from China... lowest bid I guess! 😊 

Like · 3d

 Joseph Przepiorka Sounds like a great Eagle scout project 

Like · 3d

The Outside Counsel Report considered these forty-one posts to pose a “significant” level of disruption. After the Internal Affairs interview, the Commissioner issued a Direct Action charging Przepiorka with Conduct Unbecoming and Neglect of Duty. The District Attorney’s Office also issued him a *Giglio* letter for making Facebook posts “threatening violence against transgender individuals, inciting violence against protestors, and exhibiting anti-Muslim bias.” Przepiorka was dismissed from the PPD, but retired before the dismissal became effective.

As stated, all of Przepiorka’s posts touch on matters of public concern. The question is whether “the interests of both [Przepiorka] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, that balance tips in favor of the City. The majority of Przepiorka’s posts consist of nothing more than “invective directed against [some of] the very persons that the governmental agency is meant to serve”—in this case, Muslim, LGBTQ, and Mexican people—which “could be expected to have serious consequences for the performance of the speaker’s duties and the agency’s regular operations.” *Munroe*, 805 F.3d at 474. Additionally, many of Przepiorka’s posts advocate violence against the aforementioned groups, plus protestors, suspects, and defendants, which has the “potential . . . to diminish” the PPD’s “standing with the public” *Grutzmacher*, 851 F.3d at 347. Because of these posts, Przepiorka’s credibility with a jury is highly likely to be compromised at trial, as the District Attorney’s Office recognized in its *Giglio* letter.

The City has demonstrated that Przepiorka’s posts were likely to cause significant disruption of the PPD’s operations. Because the City’s interest in preventing this disruption

outweighs Przepiorka's and the public's interest in his posts, Przepiorka's posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on Przepiorka's retaliation claim.

s. Francis Sheridan

Detective Sheridan began working for the PPD in 1990. Only two Facebook comments are attributed to him, who posted under the name "Frank Sheridan," in the Plain View Database. These comments were shown to him during his Internal Affairs interview, both of which he initialed. He also shared that, on one prior occasion, he had been notified that a foreign device had gained access to his Facebook account—though he does not allege specifically that someone else posted the comments he was shown.

The parties agree that the PPD sanctioned Sheridan for only one of his comments. As determined in Section IV.B *supra*, this comment dealt with a matter of public concern:

 **Brian Cain**
April 25, 2014 · Philadelphia, PA · 

Aaaaand justice has been served!



WWW.SECRETSTHEDFED.COM
CHILD RAPIST RAPED, Stitched By Medics, and
Jiu Jitsu Professor Daryell Dickson Menezes Xavier...

 Share

 19

27 Shares

 [REDACTED] This makes me happy like an A-10 strafing run makes me happy.  3
3y

 [REDACTED] Awesome!  1
3y

 **Frank Sheridan** Thank God for Prison Justice!  1
3y

 [REDACTED] Wish I could hit the like button more than once
3y

After the Internal Affairs interview, Sheridan was charged with Neglect of Duty and was reprimanded by his commanding officer.

As stated, Sheridan's comment touches on a matter of public concern. The question is whether "the interests of both [Sheridan] and the public in the speech at issue" are outweighed by

“the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest is weightier, because the potential for disruption attributable to Sheridan’s comment is significant. Sheridan commented “Thank God for Prison Justice!”²¹ on a news story about a child rapist who had been raped in prison. Police officers are tasked with ensuring the safety of accused and convicted criminals in their custody—even child rapists. Sheridan’s comment, insofar as it expresses his approval of an act of extrajudicial violence committed against an inmate, could erode the public’s confidence in the police as bastions of law and order. *See Munroe*, 805 F.3d at 474 (“[I]nvective directed against the very persons that the governmental agency is meant to serve could be expected to have serious consequences for the performance of the speaker’s duties and the agency’s regular operations.”); *see also Grutzmacher*, 851 F.3d at 347 (speech that “advocat[ed] violence to certain classes of people” was likely to disrupt a fire department’s operations because it had the “potential . . . to diminish the [d]epartment’s standing with the public”).

Because the City’s interest in preventing this disruption outweighs Sheridan’s and the public’s interest in his comment, Sheridan’s post is not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on Sheridan’s retaliation claim.

²¹ In its Statement of Material Facts submitted in support of the instant Motion, the City alleges that Sheridan “linked [the above] article” and “commented ‘Aaaaand justice has been served!’” thereupon. In response, Sheridan argues that another Facebook user “linked” the article and that user—not him—made the “justice has been served” comment. But this is of no moment, in that the record shows it was the “Thank God for Prison Justice” comment that was the basis for Sheridan’s discipline.

t. William Young

Corporal Young began working for the PPD in 1989. In the Internal Affairs interview, Young was shown twenty-one posts and comments attributed to him in the Plain View database, none of which he denied making.

The PPD sanctioned Young for thirteen posts and comments. As determined in Section IV.B *supra*, each of his posts dealt with a matter of public concern.

Eight posts involve Islam:

Michael G Bottum shared a photo.
February 8, 2014 ·

Happy Ramadan from Salaam Mosque Detroit!

Greetings from the religion of peace to all of America.
Convert or die.

www.startimpeachmentnow.com

"The future must not belong to those who slander the prophet of Islam."
- Barack Hussein Obama

Nation In Distress
February 8, 2014 ·

Like Page

What a Disgrace this Guy is!!! Lets hear your Thoughts...???
LIKE and SHARE ~Ace

Join Us ► Nation In Distress

2 Comments

Like Share

If they need any more fuel for that fire ...I would be more than happy to throw a few of them in it.....Fuck them...we are smart enough to run our own 7-11s,Dunkin Donuts, and Gas Stations.

4y · Like 1

Tom Young Ban Islam from all Western nations 2

4y · Like



Michael G Bottum

December 2, 2015 ·

...

It appears that the religion of peace is responsible for the most recent mass shooting in San bernardio, ca.

4

1 Comment

Like

Share



Tom Young That pesky Religion of Peace always up to something

Like · 2y

3



Michael G Bottum

June 19, 2016 ·

...

I see the gay community is buying more firearms for protection... Good for them!!!! Maybe they are starting realize the goverment can not protect them. And you safety is your personal responsibility.

4

1 Comment 1 Share

Like

Share



Tom Young Protect us, under this president they are working against us importing thousands of Muslims into our country.

Like · 2y

1



Laszlo Zsazados

July 30, 2017 ·

...

Green, green grass of home. Ruins of a medieval castle built long time ago to shelter people against the Ottoman Empire invasions. They were heavily fortified and built on high hills or mountains.



Like

Comment

Share

12



Tom Young I hope the people of the West wake up to this Islamic Invasion before its too late!

Like · Reply · 34w



William Sperber

May 10, 2014 · ②

...

Our government really sucks sometimes. obama and his cohorts can't count to 2 without missing 3 numbers



TOPRIGHTNEWS.COM

300 Somali Terrorists Who Crossed the Border Still At Large Inside the U.S. (MUST SEE)

Share

2



Tom Young Ban Islam from our country

3y

Laszlo Zsazados shared a link.
June 14, 2016 ·



FREEDOMDAILY.COM
Muslim terrorist kills French Police Chief and wife while livestreaming on Facebook- "Allahu..."

Share

1

Tom Young Ah, where ever Islam goes it brings peace and happiness. NOT!! 1
1y

Tom Young likes a link.
June 18, 2013 ·

Islam on the march



Muslim Refugees, Yes – Persecuted Christians are in imminent danger across the world, and...
CONSERVATIVEPAPERS.COM

Share

have you looked lately above the hardware store on willits ?
4y

Michael G Bottum November 13, 2015 ·  

Another terrorist attack in Paris.... 30 dead so far..... I wonder if the religion of peace is responsible????

1 Like 11 Comments

 Like  Share

 [REDACTED] Yeah, makes you wonder.....
Like · 2y  1

 [REDACTED] Wow how sad.
Like · 2y

 Marion McGinnis No doubt about it.
Like · 2y

 Laszlo Zsazados The multicultural paradise at its best.
Like · 2y  2

 Michael G Bottum You sow what you reap.... France let these animals in..... This is all coming to a city near you....
Like · 2y · Edited  1

 Tom Young Hey they're letting in here too
Like · 2y

 Michael G Bottum The body count is up to 60.....
Like · 2y  1

 Michael G Bottum Obama is on the air.now..... Should be insprarional.....
Like · 2y  1

 Tom Young Treasonous POS  1
Like · 2y

 Michael G Bottum Hey hillary!!!!!! I wonder if this attack is in response to another video????
Like · 2y · Edited  2

 Laszlo Zsazados They will blame the society for this. It was not sensitive enough for their cultural needs.
Like · 2y · Edited  1

Four involved matters related to policing:

 **Laszlo Zsazados** July 9, 2012 · ②

My son just called me told me about this border patrol agent in El Paso. The agent died on duty on his all terrain vehicle in the desert,



OFFICER.COM
Border Patrol Agent Dies Following ATV Crash
Agent Leopoldo Cavazos Jr. died in an ambulance on the way to an El Paso ...

 Share

 1

 **Tom Young** I see what they done to our department since we started and could cry. We can't even clear a corner of drug dealers without calling for a supervisor, how are they going to address shootings. All the thug has to do is complain that the cop looked at him sternly or god forbid talked harshly and there's a major investigation.  1

5y

 **Laszlo Zsazados** That is what I call the tragedy in American policing, it is headed terrible wrong way, because is lead by the wrong people. The damage will be irreparable in the future. It is devastating.

5y

 **Tom Young** You're right the political hacks have taken over and the thugs know it. We are a shadow of our former selves. At one time for better or worse the bad guys were afraid of us. Now they know the pendulum has swung in their direction and because of politics we are rendered completely ineffectual

5y

 **Laszlo Zsazados** Exactly , the arrogance is there, lawless people knowing that there will not be physical punishment, and there has to be!!!!

5y

Michael G Bottum shared a link.
July 12, 2015 ·

800WHISTLEBLOWER.COM
Homosexuals Throw Human Excrement At Christians, And Wipe Their Anuses With Pages Of The Bible

1 Like 8 Comments

Like Share

Tom Young Liberalism is truly a mental disorder! 1
Like · 2y

Michael G Bottum It's a fucking freak show!!? 2
Like · 2y

Is this real?
Like · 2y

No Susie, it's not real at all. If you look at the link in the video, you'll plainly see that it's not at ALL as is being described. And I didn't see ANYONE dressed nearly as fiercely as the gentleman in the mohawk accompanying the article. I looked... twice. Maybe three times. What can I say? I've been a Mad Max fan since the 70's.

Take a look at THIS video, which is footage of the protest in question, and see if YOU can spot any of the behavior described in the drooling account that Tom linked. No? That's because the description linked above, is the fever dream of a slack-jawed yokel, and not a unbiased view of what happened on the scene.

Look for yourself, in the link below. Is that what you imagined when you read the article? No? Because, that's NOT how it happened.

THIS is what went down. No eggs, no feces, no bibles.
(Some Pepper Spray)
<https://www.youtube.com/watch?v=KHrPgHO597w>

 YOUTUBE.COM
22.03.2014 | Köln Demo gegen Sexualzwang - Aggressive...

Like · 2y · Edited

Tom Young Ed as a cop I've had the misfortune to detailed to events like this. I'm sure Michael G Bottum had the misfortune over his career.
Like · 2y

Doesn't change the fact, the the link you shared, is both misleading, and inflammatory.
Doesn't it seem strange to you, that a protest involving Sex Education in Germany, is being represented as a battle between Homosexuals and Christians?... See More
Like · 2y

And ... I'd like to point out, that someone went to quite a bit of trouble, to find a completely unrelated picture to attach to that article.
You'd almost suspect that they spent a lot of time SEARCHING for that picture. Looking for the most lurid pi... See More
Like · 2y · Edited

Tom Young Dude my point was that even if you are right, I've been to similar events held in Philly
Like · 2y

Laszlo Zsazados shared Voice of Europe's video.
February 24 ·

Way to go Italian Police, this is how it's always been done!!!!



1,634,121 Views

Voice of Europe added a new video.
February 23 ·

The Italian police have no mercy for Antifa as they try to interrupt a right-wing rally

Like Comment Share

13

2 Shares

[REDACTED] Turban time still looks fun!!
Like · Reply · 4w

Michael Bottum If that happened here. You would be spending the rest of the week doing your bullshit use of force memos!!!
Like · Reply · 4w 1

Tom Young I can already hear the Libs crying 😱 2
Like · Reply · 4w

James Campbell

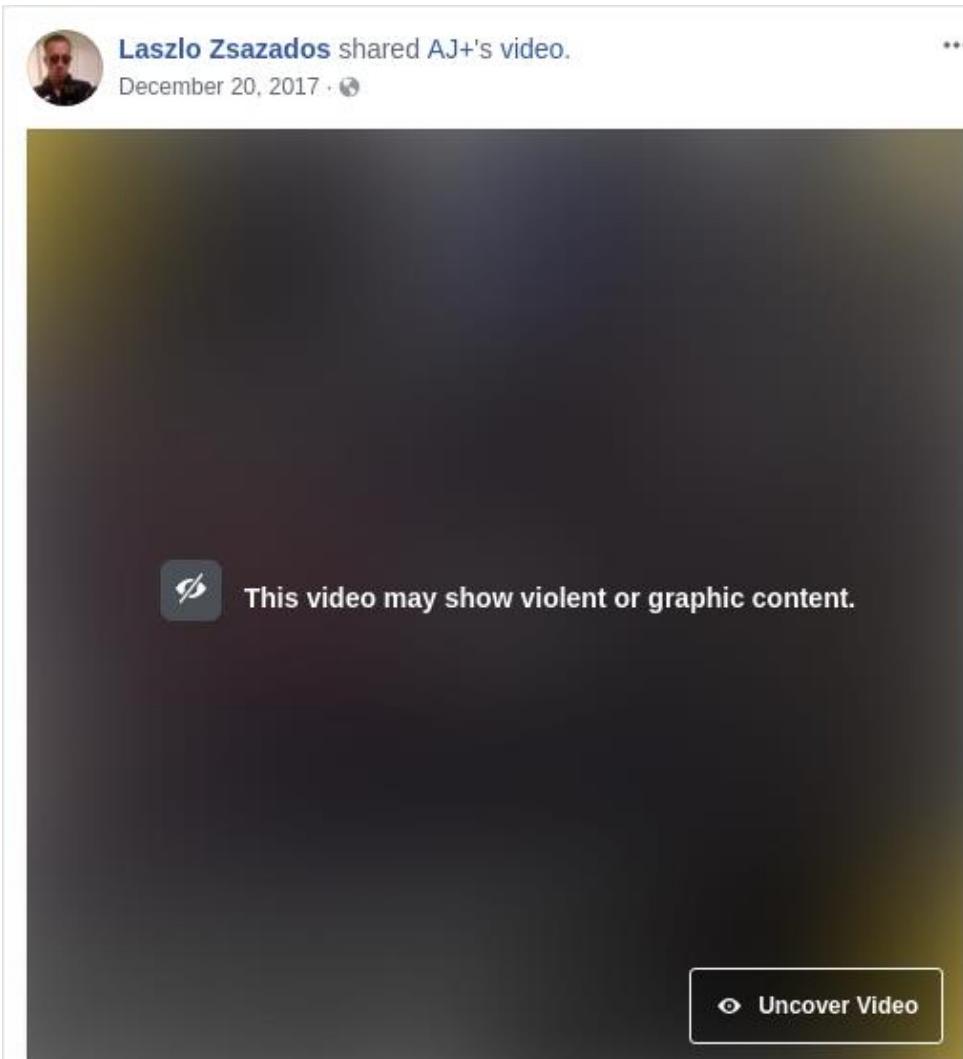


Like · Reply · 4w

[REDACTED] Play stupid games and you win stupid prizes. 1
Like · Reply · 4w

Joan Zahner-Savidge This would never happen in this city. Our Police Department loss all control thanks to the liberals..
Like · Reply · 4w 1

[REDACTED] That's what I'm talking about. 1
Like · Reply · 4w



AJ+ added a new video: Police Officers Break Man's Leg.
December 19, 2017 ·

Like Page

Police officers broke this man's leg after a traffic stop turned into a scuffle.

Like

Comment

Share

2



Robert D. Konczyk TURD got what he deserved. 1

Like · Reply · 14w



Tom Young Don't resist arrest 1

Like · Reply · 14w

And one involves immigration:

Laszlo Zsazados shared İYİ PARTİ ÜLKÜCÜLERİ's video. January 23, 2016 · 1,604,330 Views

If anyone tries to tell you that all cultures are equal and diversity and all- just take a look. I reject this culture!!!!!!!!!!!!!!

This video may show violent or graphic content.

Uncover Video

2 likes

[REDACTED] Scumbag 2y

[REDACTED] Omg, what a disgusting POS!!!!! 1 like 2y

[REDACTED] This is the culture they are importing to the USA for the last 20 years. European immigration is almost non-existent anymore to America. All third world , so called diversity and cultural experience you need. 2y

[REDACTED] God forbid!!!! It's more like barbarism! They are terrible people! I guess beating a pregnant woman proves he's a real man. Wow, that's a great cultural experience! 1 like 2y

[REDACTED] This is what spineless pieces of shit do, because they can't possibly punish "evil" people who can fight back. 2 likes 2y

[REDACTED] Why are we allowing these savages into America? 2 likes 2y

The Outside Counsel Report concluded that these thirteen posts “would likely have a significant impact on policing based on advocacy of police brutality, a large number of anti-Muslim comments, as well as racial/ethnic stereotyping and anti-LGBTQ comments.” After the Internal Affairs interview, the Commissioner issued a Direct Action charging Young with Conduct Unbecoming and Neglect of Duty. The District Attorney’s Office also issued Young a *Giglio* letter which described his posts as exhibiting anti-Muslim bias. Young was dismissed from the PPD, but retired before the dismissal became effective.

As stated, all of Young’s posts touch on matters of public concern. The question is whether “the interests of both [Young] and the public in the speech at issue” are outweighed by “the [City’s] legitimate and countervailing interest, as an employer, in ‘promoting workplace efficiency and avoiding workplace disruption.’” *Dougherty*, 772 F.3d at 991 (quoting *McGreevy*, 413 F.3d at 364).

Here, the City’s interest outweighs Young’s and the public’s. Young’s posts about immigrants and Muslims—calling the former “savages” and calling for nationwide bans on the religion of the latter—directed “invective . . . against the very persons that the governmental agency is meant to serve” and therefore “could be expected to have serious consequences for the performance of the [Young’s] duties and the [PPD’s] regular operations.” *Munroe*, 805 F.3d at 474. This concern is validated by events that transpired following the database’s revelation—as Deputy Commissioner Wimberly testified, a group representing the “Islamic community here in Philadelphia” met specifically with PPD and/or City leadership and “shared their concerns of how . . . police will treat them as people” based on the viewpoints expressed about Muslims in posts like Young’s. These comments could also be used to impeach Young’s credibility in any case involving an immigrant or a Muslim person—a worry that the District Attorney’s Office

recognized when it issued Young a *Giglio* letter concerning his posts’ “anti-Muslim bias.” The City has demonstrated that Young’s posts were likely to cause significant interference with the PPD’s operations. Because the City’s interest in preventing this disruption outweighs Young’s and the public’s appreciable interest in his posts as public speech, Young’s posts are not protected. Accordingly, for the reasons set forth above, summary judgment will be granted in favor of the City on Young’s retaliation claim.

V. CONCLUSION

As set forth above, summary judgment will be granted in favor of the City on all Plaintiffs’ First Amendment retaliation claims.

An appropriate order follows.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

WENDY BEETLESTONE, J.